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TOWN OF WESTLOCK

LAND USE BY-LAW No.9-86



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TOWN OF WESTLOCK LAND USE BY-LAW NO. 9-86

NOVEMBER 10, 1986

Alberta
MUNICIPAL AFFAIRS
Planning Branch
Parkview Unit

TABLE OF CONTENTS

By-law No. 9-86	iv
Amendments	v

PART ONE INTRODUCTION

	Page
1.1 PURPOSE	1
1.2 BY-LAW NAME	1

PART TWO DISTRICT USES AND REGULATIONS

2.1 ESTABLISHMENT OF DISTRICTS	3
2.2 GENERAL REGULATIONS FOR ALL DISTRICTS	4
2.3 LAND USE DISTRICT MAP	7
2.4 PERMITTED/DISCRETIONARY USES AND REGULATIONS	9
2.5 GENERAL REGULATIONS FOR ALL RESIDENTIAL DISTRICTS	9
2.6 R-1 RESIDENTIAL – ONE FAMILY DISTRICT	12
2.7 RMH RESIDENTIAL – MOBILE HOME DISTRICT	15
2.8 R-1A RESIDENTIAL – RESIDENTIAL – SMALL LOT DISTRICT	20
2.9 R-2 RESIDENTIAL – TWO FAMILY DISTRICT	23
2.10 R-3 RESIDENTIAL – MULTI-FAMILY DISTRICT	26
2.11 C-1 COMMERCIAL – MULTI-PURPOSE DISTRICT	30
2.12 C-2 COMMERCIAL – SERVICE DISTRICT	34
2.13 C-3 COMMERCIAL – HIGHWAY DISTRICT	37
2.14 C-4 COMMERCIAL – CONVENIENCE DISTRICT	40
2.15 IR INDUSTRIAL – RESTRICTED DISTRICT	41
2.16 IG INDUSTRIAL – GENERAL DISTRICT	44
2.17 I INSTITUTIONAL DISTRICT	47
2.18 PR PARK AND RECREATION DISTRICT	49
2.19 UR URBAN RESERVE DISTRICT	51

PART THREE

GENERAL DEVELOPMENT REGULATIONS

3.1	GENERAL PROVISIONS	53
1.	Subdivision of Land	53
2.	Dwelling Units on a Parcel	53
3.	Removal of Topsoil	53
4.	Protection from Exposure Hazards	53
5.	Off-Street Vehicle Parking	54
6.	Minimum Parking and Manoeuvring Design Standards	56
7.	Off-Street Loading	57
3.2	SPECIAL PROVISIONS	
1.	Churches, Assembly Halls, and Places of Worship	58
2.	Drive-In Businesses	59
3.	Home Occupations	60
4.	Motels and Motor Hotels	61
5.	Service Stations	62
6.	Car Washing Establishments	64
7.	Satellite Dish Antennae	65
8.	Signs	65
9.	Swimming Pools	73

PART FOUR

DEVELOPMENT PERMITS, RULES, PROCEDURES, AGENCIES AND APPEALS

4.1	DEVELOPMENTS REQUIRING A DEVELOPMENT PERMIT	75
4.2	DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT	75
4.3	NON-CONFORMING BUILDINGS AND USES	77
4.4	COMPLIANCE WITH OTHER LEGISLATION	77
4.5	DEVELOPMENT PERMIT APPLICATION PROCEDURE	78
4.6	DECISIONS ON DEVELOPMENT PERMITS	79
1.	Development Officer Authority and Role	79
2.	Development Officer Decisions	79
3.	Municipal Planning Commission Authority and Role	80
4.	Municipal Planning Commission Decisions	81
5.	Development Agreements and Levies	82
6.	Deemed Refusals	82
7.	Reapplication Procedure	82
8.	Notification	82
9.	Commencement of Development	83
4.7	APPEALING A DECISION	84
1.	Right of Appeal	84
2.	Appeal Process	84
3.	Development Appeal Board Decisions	85

PART FIVE ENFORCEMENT AND ADMINISTRATION

5.1	CONTRAVENTION	87
1.	Revocation, Suspension, or Modification of a Development Permit	87
2.	Development Officer Authority	87
3.	Appeal	88
4.	Offences and Penalties	88
5.2	AMENDING THE BY-LAW	89
1.	Who Can Apply For An Amendment	89
2.	Plans and Information Required	89
3.	Amendment Process	90
(1)	Role of the Development Officer	90
(2)	Role of the Municipal Planning Commission	90
(3)	Procedure by Applicant	90
(4)	Liability of Applicant	91
(5)	Role of Council	91
(6)	Amendment By-law	91
(7)	Frequency of Application	91
5.3	COMPLIANCE WITH LEGISLATION, OTHER BY-LAWS AND REGULATIONS	92
5.4	REPEALING EXISTING CONTROLS	92
5.5	DATE OF COMMENCEMENT	92
5.6	FORMS	93
	FORM A APPLICATION FOR DEVELOPMENT	95
	FORM B NOTICE OF DECISION (DEVELOPMENT OFFICER/MUNICIPAL PLANNING COMMISSION)	96
	FORM C DEVELOPMENT PERMIT	97
	FORM D APPLICATION TO AMEND THE LAND USE BY-LAW	98
	FORM E NOTICE OF DEVELOPMENT APPEAL HEARING	99
	FORM F DEVELOPMENT APPEAL BOARD DECISION	100
	FORM G NOTICE OF CONTRAVENTION	101
	FORM H STOP ORDER	102

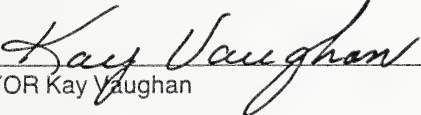
PART SIX DEFINITIONS AND METRIC CONVERSION

6.1	DEFINITIONS	103
6.2	METRIC CONVERSION CHARTS	112

TOWN OF WESTLOCK LAND USE BY-LAW NO. 9-86

Pursuant to the Planning Act, RSA 1980, Chapter P-9, as amended, Council of the Town of Westlock duly assembled, hereby enacts Land Use By-law 9-86.

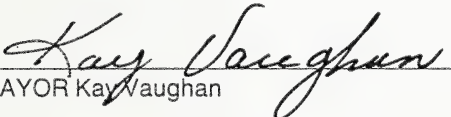
DONE and PASSED as a By-law of the Town of Westlock in the Province of Alberta this 10 day of November, 1986.


MAYOR Kay Vaughan


ADMINISTRATOR, M.G. RAY

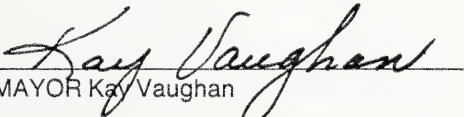
READ A FIRST TIME THIS 22 DAY OF *September*, 1986 AND ADVERTISED THE 30 DAY OF *September*, 1986 AND THE 7 DAY OF *October*, 1986 IN THE *HUB* AND THE *WESTLOCK NEWS*.

PUBLIC HEARING HELD THE 14 DAY OF *October*, 1986.


MAYOR Kay Vaughan


ADMINISTRATOR, M.G. RAY

READ A SECOND TIME THIS 10 DAY OF *November*, 1986.


MAYOR Kay Vaughan


ADMINISTRATOR, M.G. RAY

(Rescinds Town of Westlock Land Use By-law No. 78-8A, May 24, 1978.)

[illegible]

TITLE:	TOWN OF WESTLOCK LAND USE BY-LAW NO. 9-86
PREPARED BY:	TOWN OF WESTLOCK MUNICIPAL PLANNING COMMISSION, COUNCIL and STAFF AND AL McCULLY, PARKVIEW UNIT, PLANNING BRANCH, ALBERTA MUNICIPAL AFFAIRS
PUBLISHER:	PLANNING BRANCH, ALBERTA MUNICIPAL AFFAIRS, EDMONTON, DECEMBER 1986
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Part One INTRODUCTION



TOWN OF WESTLOCK LAND USE BY-LAW NO. 9-86

PART ONE INTRODUCTION

1.1 PURPOSE

The purpose of this By-law is to prohibit, or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things:

1. to divide the municipality into districts;
2. to prescribe and regulate for each district the purposes for which land and buildings may be used;
3. to establish the office of one or more development officers;
4. to establish a method of making decisions on applications for development permits including the issuing of development permits;
5. to provide the manner in which notice of the issuance of a development permit is to be given; and
6. to prescribe and regulate standards for outdoor commercial advertising, and off-street parking in the interests and amenity of the Town.

1.2 BY-LAW NAME

This By-law shall be known as the TOWN OF WESTLOCK LAND USE BY-LAW.

Part Two

DISTRICT USES AND REGULATIONS



PART TWO

DISTRICTS USES AND REGULATIONS

2.1 ESTABLISHMENT OF DISTRICTS

1. For the purpose of this By-law, the Town of Westlock is divided into the following LAND USE DISTRICTS:
 - R-1 RESIDENTIAL – ONE FAMILY
 - RMH RESIDENTIAL – MOBILE HOME
 - R-1A RESIDENTIAL – SMALL LOT
 - R-2 RESIDENTIAL – TWO FAMILY
 - R-3 RESIDENTIAL – MULTI-FAMILY
 - C-1 COMMERCIAL – MULTI-PURPOSE
 - C-2 COMMERCIAL – SERVICE
 - C-3 COMMERCIAL – HIGHWAY COMMERCIAL
 - C-4 COMMERCIAL – NEIGHBOURHOOD
 - IR INDUSTRIAL DISTRICT – RESTRICTED
 - IG INDUSTRIAL DISTRICT – GENERAL
 - I INSTITUTIONAL
 - PR PARK AND RECREATION
 - UR
2. The boundaries of the Districts listed in Subsection (1) are as shown on the LAND USE DISTRICT MAP, Section 2.3.
3. Where uncertainty exists as to the boundaries of districts as shown on the LAND USE DISTRICT MAP, the following rules shall apply:
 - Rule 1: Where a boundary is shown as following a street, lane, stream, railway, or canal, it shall be deemed to follow the centre line thereof.
 - Rule 2: Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - Rule 3: Where a boundary is shown as approximately following the Town limits, it shall be deemed to follow the Town limits.
 - Rule 4: In circumstances not covered by Rules 1 to 3, the location of the district boundary shall be determined:
 - (a) where the dimensions are set out on the Land Use Map, by the dimensions so set out, OR
 - (b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
4. Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this By-law and with the degree of detail as to measurements and directions as the circumstances may require.

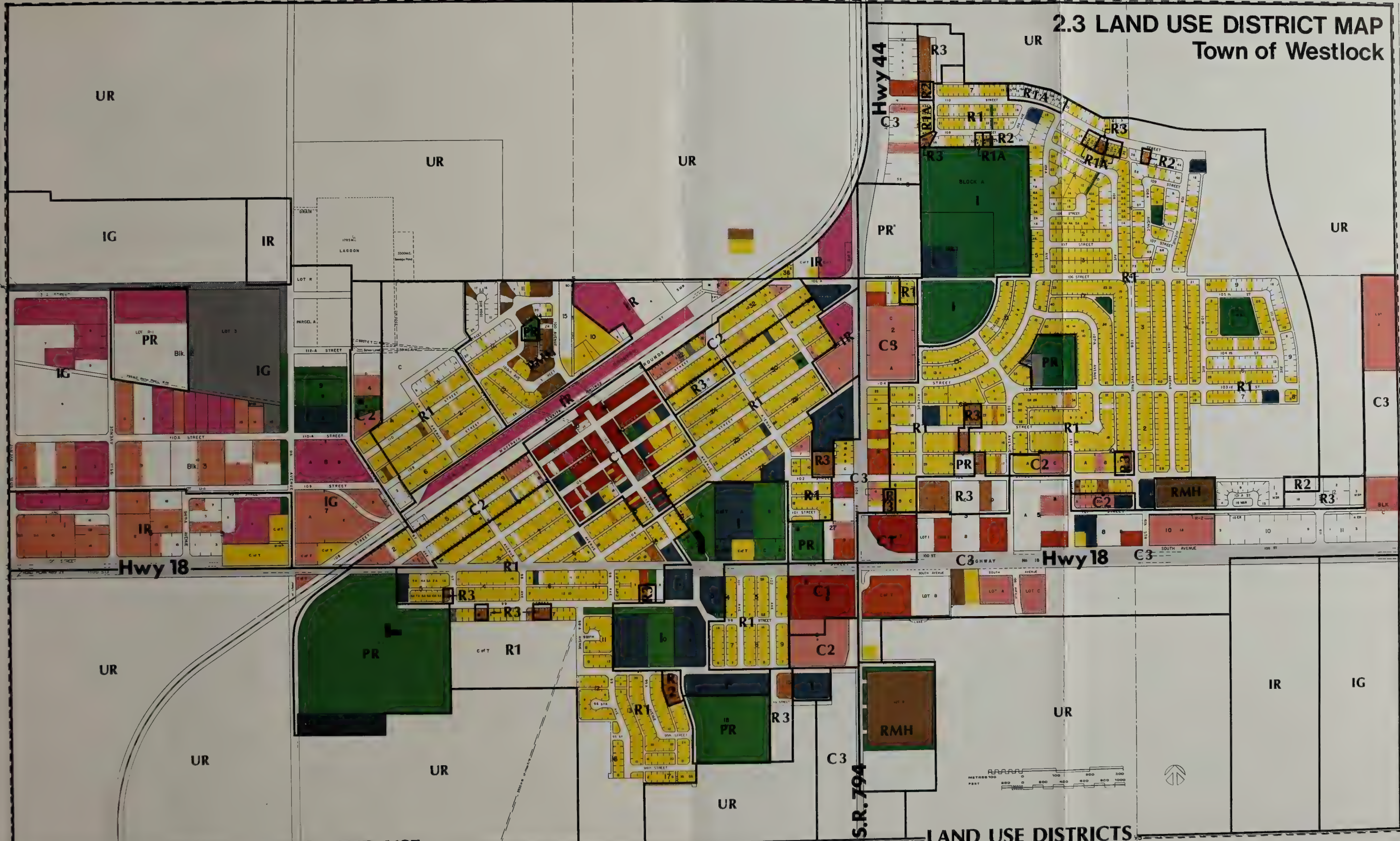
5. After the Council has fixed the district boundary pursuant to the provisions of Sub-section (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this By-law.
6. The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

2.2 GENERAL REGULATIONS FOR ALL DISTRICTS

1. The following regulations are applicable to all districts:
 - (1) Uses that are permitted or discretionary in each of the districts are set out, together with standards of development in each district, in PART TWO, SECTIONS 2.4 to 2.19. Where any proposed use is not specifically shown in any district, but appears to be SIMILAR IN CHARACTER and PURPOSE to one shown as permitted or discretionary in any district, application for its approval in such a district may be made to the Development Officer under PART FOUR, SECTION 4.5 of this By-law.
 - (2) With the approval of the Council, development may be permitted in any district on a LOT which is SUBSTANDARD as regards width, depth, or area provided that such a lot was legally registered and existing at the time of final passage of this By-law, and provided the development meets all other requirements of this By-law regarding that district.
 - (3) Any application for the erection of a building or addition to an existing building may be refused or may be approved conditionally by the Development Officer if, after considering the SIZE, EXTERNAL DESIGN, and FINISH of the proposed building or addition, it is the opinion of the Development Officer that the proposal will DETRACT FROM THE APPEARANCE or character of existing or proposed development in the surrounding area.
 - (4) Where in any district a lot has more than one frontage, the front YARD REQUIREMENTS for that district shall apply to only one front lot line at the discretion of the Development Officer.
 - (5) Notwithstanding anything elsewhere contained in this By-law, a person using a CORNER SITE in any district shall comply with all the restrictions, limitations, and conditions relating to visibility approaching road intersections as may be required by the Development Officer and enforced by the Council.
 - (6) In the case of an IRREGULARLY SHAPED LOT, the width of the lot shall be defined by the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

- (7) The following features may PROJECT into a REQUIRED YARD:
- (a) verandas, porches, eaves, shade projections, bay, or oriel windows, chimney breasts, or parts of chimney that are constructed of non-combustible material, belt courses, sills, balconies, together with any other architectural features which, in the opinion of the Development Officer are of a similar character, provided such projections do not exceed 24 in. in the case of required yards 5 ft. and over, and 18 in. for required yards less than 5 ft., unless otherwise approved by the Development Officer;
 - (b) unenclosed steps with or without a landing, but without a roof and not more than 3 ft. above ground level;
 - (c) an open, hardsurfaced, and uncovered terrace or patio in any yard in a residential district if such terrace is completely unenclosed except by a guard rail or parapet wall not exceeding the maximum height permissible for a fence in the same location. No such terrace shall project into any required front yard more than 8 ft.. The provision of an awning or similar temporary covering for such a terrace shall be permitted;
 - (d) any loading space required under the provision of this By-law constructed and maintained within any required yard;
 - (e) an unenclosed exterior fire escape not more than 4 ft. in width, provided no such fire escape shall be permitted within a front yard without the prior approval of the Development Officer; and
 - (f) swimming pools, fish ponds, ornaments, flagpoles, permitted uses, or the like provided that swimming pools shall not be constructed within any required front yard.
- (8) The purpose of the PUBLIC WALKWAY is to provide for pedestrian circulation within the community and pedestrian access to public parks and schools. All public walkways shall be considered as part of the public park system and are subject to the following restrictions:
- (a) no public walkway shall be obstructed by any vehicle, debris, fence, or any other objects;
 - (b) no public walkways shall be used in such manner as to be detrimental to its purpose as part of the public park system or pedestrian circulation system;
 - (c) in a case where a public walkway flanks the side of a lot the minimum side yard need not exceed 10 ft.; and
 - (d) for accessory buildings (including garages) on sites where a public walkway flanks the side of the site, the side yard shall be a minimum of 5 ft.

2.3 LAND USE DISTRICT MAP Town of Westlock



EXISTING LAND USE

Residential - Single Family	Commercial - Primary	Recreational
Residential - Two Family	Commercial - Secondary	Utilities
Residential - Multiple Family	Commercial - Highway	Institutional
Residential - Mobile Home	Industrial	Vacant or Agriculture

LAND USE DISTRICTS

R1	Residential - Single Family	C1	Commercial - Multi-Purpose	I	Institutional
R1A	Residential - Small Lot	C2	Commercial - Service	PR	Parks and Recreation
R2	Residential - Two Family	C3	Commercial - Highway	UR	Urban Reserve
R3	Residential - Multiple Family	IR	Industrial - Restricted		
RMH	Residential - Mobile Home	IG	Industrial - General		

2.4 PERMITTED/DISCRETIONARY USES AND REGULATIONS

1. Land uses and regulations specific to each Land Use District are set forth in Sections 2.6 to 2.19. For each Land Use District, there is a list of:

- (1) PERMITTED USES,
- (2) DISCRETIONARY USES, or
- (3) both PERMITTED and DISCRETIONARY USES.

Land use regulations which apply to more than one district are set forth in PART THREE GENERAL REGULATIONS.

2.5 GENERAL REGULATIONS FOR ALL RESIDENTIAL DISTRICTS

1. The following regulations are applicable to all residential zones.

- (1) Where in any residential zone a pre-planned, coordinated development, including innovative housing, is proposed for an area one acre or more in extent, Council may establish standards to enable the area to be developed to the highest standards of use and amenity, provided that:
 - (a) an outline plan is submitted to the Development Officer and the Municipal Planning Commission recommends approval by Council; or
 - (b) the development is completed in one continuous operation, or in stages as proposed in the outline plan.
- (2) Areas not subdivided for residential use:
 - (a) in areas designated for residential use, but not subdivided for normal residential development, development permits may be issued by the Development Officer for permitted or discretionary uses, only if the site is in accordance with a replotting plan, plan of subdivision, area structure plan or outline plan approved by the Council, and which, in the opinion of the Municipal Planning Commission, will conform to the overall subdivision of the area;
 - (b) development permits shall be issued only in conformity with the general intent of this section, namely to facilitate the orderly residential expansion of the Town.
 - (c) development permits shall not be issued where, in the opinion of the Development Officer, satisfactory arrangements have not been made with the Town as to the supply to the required subdivision of any or all of the following services: water, electricity, sanitary sewer, street access, or other services or facilities including the payment of costs of installing any such service or facility.

- (3) No person shall keep in any part of the yard in any residential district:
- (a) a commercial vehicle, loaded or unloaded, of a maximum weight in excess of 9,000 pounds, providing that such vehicle may remain on site for such a period of time as is reasonably necessary to load or unload such a vehicle;
 - (b) any dismantled or wrecked vehicle for more than seven successive days;
 - (c) any object or chattel including vehicles which, in the opinion of the Development Officer, is unsightly or tends to affect adversely the amenities of the district;
 - (d) an excavation, storage, or piling up of materials required during the construction stage unless all safety measures are undertaken, the owner of such materials or excavations assumes full responsibility and the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
 - (e) any livestock, poultry, or animals with the exception of dogs, cats, and other such usual pets, providing always that domestic pets are kept under conditions where they do not act as a nuisance and reduce the amenities of the residential zone for other residents. No PETS or DOMESTIC ANIMALS shall be kept on a COMMERCIAL BASIS.
- (4) A person shall not construct a FENCE on a site in a residential zone that is higher, measured from the general ground level, one foot back of the property line on whichever side of the fence is lower than:
- (a) 6 ft. 6 in. for the portion of the fence that does not extend beyond the foremost portion of the principal building on the site, providing the Development Officer may allow a fence to be erected up to 8 ft. in height upon the written consent of the owner of the property adjacent to such a fence;
 - (b) 3 ft. for the portion of the fence that does extend beyond the foremost portion of the principal building on the site, provided that the Development Officer may allow a fence to be erected to not more than 6 ft. in height if, in his opinion, it will not prejudice the amenities of the district; or
 - (c) in the case of corner lots, the foremost portion of the principal building referred to in (i) and (ii) of this Subsection (3) shall apply to both faces of the building fronting onto the street and avenue.
- (5) New residential development shall not occur in locations where maximum noise levels exceed 65 dBA outdoors and 35 dBA indoors. Noise reduction measures such as berms, barriers, setbacks, and building construction changes may be considered to minimize the noise impact.

- (6) SATELLITE receiving DISH ANTENNAE are permitted in residential districts provided that:

- (a) the antenna shall not be located in a front yard or a side yard abutting a street;
- (b) no part of the antenna is more than 10 feet above grade level;
- (c) no advertising shall be allowed on the antenna; and
- (d) the antenna shall not be illuminated.

Subsections (6)(a) and (b) may not apply where the applicant can demonstrate, to the satisfaction of the Development Officer, that compliance with these requirements would prevent signal reception.

(7) Accessory Buildings

- (a) an accessory building shall not be used as a dwelling;
- (b) the height of an accessory building shall not exceed 15 feet nor one storey;
- (c) WHERE A STRUCTURE IS ATTACHED TO THE PRINCIPAL BUILDING on a site by a roof, open, or closed structure, a floor or foundation, IT IS CONSIDERED A PART OF THE PRINCIPAL BUILDING AND NOT AN ACCESSORY BUILDING;
- (d) the total area of the accessory building shall not exceed 12% of the site area, except in R-1A Districts.

- (8) All areas of residential lots not occupied by roads, walkways, driveways, dwelling units, mobile homes, buildings or other facilities shall be LANDSCAPED to the satisfaction of the Development Officer within a REASONABLE length of time after the construction of the dwelling or placement of the mobile home.

2.6 R-1 RESIDENTIAL – ONE FAMILY

The general purpose of this district is to permit low density, detached, single family dwellings, and associated uses at the discretion of the Commission.

1. PERMITTED USES

- One family dwelling
- Public parks
- Accessory buildings and uses

DISCRETIONARY USES

- Two family
- Churches
- Child care facilities (as an accessory use only and to a maximum of six children)
- Home occupations
- Public or private schools
- Rooming and boarding houses
- Accessory buildings and uses
- Any use which in the opinion of the Commission is of a similar nature.

2. REGULATIONS

In addition to the GENERAL REGULATIONS FOR ALL RESIDENTIAL DISTRICTS (see Section 2.5), the following specific regulations apply:

(1) MINIMUM LOT SIZES

(a) Lane Subdivisions

Use	Width (ft.)	Length (ft.)
One family dwelling		
One storey	50	110
1 1/2, 2, and		
2 1/2 storeys	60	110
Corner	60	110

(b) Laneless Subdivision

Use	Width (ft.)	Length (ft.)
One family (interior lot)	55	110
One family (corner lot)	55	110

Discretionary uses – as required by the Development Officer.

(2) **MINIMUM YARD REQUIREMENTS**

(a) Lane and Laneless Subdivision Use	Front (ft.)	Side (ft.)	Rear (ft.)
One family dwelling			
One storey	20	5	25
1 1/2, 2, and 2 1/2 storeys	20	7.5	25

NOTE: In LANELESS subdivisions a side yard of at least 9 ft. wide shall be provided on one side, OR a 4 ft. wide maintenance easement registered against the titles of the proposed development and the closest side yard of the adjacent lot to provide maintenance access to rear yard utilities.

DISCRETIONARY USES – as required by the Development Officer.

- (b) The total measurement of the side yards shall not be less than 20% of the width of the lot, except in the case of existing lots less than 50 ft. wide, side yards may be 10% of the lot width provided that they are not less than 4 feet.
- (c) In the case of a corner lot the yard next to the lane at the rear of the lot may be a minimum of 15 feet.
- (d) The minimum side yard on the flanking street side of a corner lot shall be 15 feet.
- (e) Where the side yard abuts a utility lot or walkway, the side yard abutting the utility lot or walkway shall not be less than 5 feet.
- (f) In the case where a lane flanks the side of the site, the minimum side yard shall be 10% of the width of the site; however, such side yard need not exceed 10 feet.
- (g) For accessory buildings on sites when a lane flanks the side of the site, the side and rear yard shall be 5 feet and 10 feet dependent on siting of building.
- (h) For accessory buildings on other than lots flanked by a lane, the side and rear yard provisions are reduced to not less than 3 feet provided that overhanging eaves shall not be less than 2 feet from any lot line, and the accessory building shall be sited behind the principal building.
- (i) In cases where the dwelling with an attached garage flanks a utility lot, the minimum side yard adjacent to that lot shall be 5 feet.
- (j) When a garage is attached to the side of the dwelling, the side yard on this side shall not be less than 10% of the site width.
- (k) Freestanding carports are permitted within side yards provided that no part of the structure is less than 3 feet from the side lot line, save that overhanging eaves may not be less than 2 feet from the side lot line.

- (l) In the case of a separate detached garage, there shall be a minimum of 18 feet distance from the rear or side property lines to the doors of the garage, and 8 feet from the dwelling unit.
 - (m) The distance from garage doors or front of carport to the front property line shall not be less than the required front yard of the main building.
- (3) **MAXIMUM BUILDING HEIGHT** – not to exceed 33 ft., nor 2 1/2 storeys
 - (4) **MAXIMUM SITE COVERAGE** – Total 40%
 - Principal building – 28%, or up to 40% if accessory building (garage) is attached
 - Accessory building – 12%
 - (5) **OFF-STREET PARKING** – one space per dwelling unit.
 - (6) **Signs** – in accordance with PART THREE.
 - (7) **Churches** – in accordance with the regulations in the Institutional District, SECTION 2.17.
 - (8) **Home Occupations** – in accordance with PART THREE.

2.7 RMH RESIDENTIAL – MOBILE HOME DISTRICT

The general purpose of this district is to permit the development of MOBILE HOME SUBDIVISIONS, and the possibility of MOBILE HOME PARKS at the discretion of the Commission.

1. GENERAL REGULATIONS FOR ALL MOBILE HOME DISTRICTS

- (1) All mobile homes shall have Canadian Standards Association certification.
- (2) A development permit is required prior to siting mobile home units in Mobile Home Subdivisions, but not in Mobile Home Parks.
- (3) Only one mobile home unit may be located on a lot in a Mobile Home Subdivision, or on a stall in a Mobile Home Park.
- (4) All Mobile Home Subdivisions and Parks shall provide for both single wide and double wide units.

2. PERMITTED USES

- One family mobile home units
- Public parks and playgrounds
- Accessory buildings and uses

DISCRETIONARY USES

- Mobile Home Parks (a site on which rental stall space is provided for mobile homes)
- Child care facilities (as an accessory use only, and for a maximum of 6 children)
- Public and quasi-public buildings and uses
- Public utilities buildings and structures
- Single family dwellings (in mobile home subdivisions only)

3. REGULATIONS FOR MOBILE HOME SUBDIVISIONS

In addition to the GENERAL REGULATIONS FOR RESIDENTIAL DISTRICTS (see Section 2.5) the following specific regulations apply.

- (1) **MINIMUM LOT SIZE**
 - Mobile home units – 5,000 sq. ft.
 - 50 ft. width
 - Others as approved by the Development Officer
- (2) **MINIMUM FLOOR AREA**
 - Mobile home units – 600 sq. ft.
 - One-family dwelling unit – 1,000 sq. ft.
 - Others as approved by the Development Officer

(3) **MINIMUM YARD DIMENSIONS**

Front – 15 ft.

Side – 4 ft. on one side, however, a 15 ft. separation from an adjacent mobile home unit or side street shall be provided

Rear – 15 ft. in laneless; 18 ft. in laned subdivisions

NOTE: In LANELESS subdivisions a 9 ft side yard shall be provided on one side, OR a 4 ft. wide maintenance easement registered against the titles of the proposed development site and the closest side yard of the adjacent lot to provide maintenance access to rear yard utilities.

(4) **MAXIMUM LOT COVERAGE – 40%**

Principal building – 28%, or up to 40% if accessory building (garage) is attached

Accessory building – 12%

(5) **MAXIMUM BUILDING HEIGHT**

Mobile home or one-family dwelling unit – 25 ft. and one storey (two storey if bi-level)

Accessory building – 15 ft.

(6) **OFF-STREET PARKING** space requirements – one stall per mobile home unit

(7) All mobile homes shall be anchored with at least four tie downs for a single wide and eight tie downs for a double wide.

(8) The UNDERCARRIAGE of each mobile home shall be completely SCREENED from view by the foundation or skirting, within **30 DAYS** of the placement of the mobile home.

(9) All ACCESSORY STRUCTURES such as steps, patios, porches, additions, skirtings, and storage facilities shall be:

(a) factory prefabricated or the equivalent thereof, the exterior and design of which shall match the mobile home;

(b) considered as part of the principal building; and

(c) erected only after obtaining a building permit.

Additions to a mobile home shall have a foundation or skirting equivalent to that of the mobile home.

(10) No accessory building or use shall be located in the FRONT YARD. No PARKING SPACE shall be located in the front yard unless it is a driveway on either side of the mobile home. Detached garages shall be setback a minimum of 8 feet from the mobile home.

(11) All utility lines shall be placed underground.

4. REGULATIONS FOR MOBILE HOME PARKS

- (1) A mobile home park shall have a minimum site area of 5 acres and a maximum of 40 acres. Smaller site areas may be approved at the discretion of the Development Officer where development is proposed to be staged and where the properties are adjacent.
- (2) **MAXIMUM DENSITY OF MOBILE HOME PARK** – 8 mobile home units per acre.
- (3) **MINIMUM MOBILE HOME UNIT STALL SIZE**
 - (a) Single wide – 40 ft. wide and 100 ft. long
 - (b) Double wide – 45 ft. wide and 100 ft. long
- (4) **MINIMUM YARD REQUIREMENTS**
 - Front yard – 10 ft.
 - Side yard – 4 ft. on one side and a 10 ft. separation to the next unit on the other side, an adjacent street, internal access road, public parking area, or other common area
 - Rear yard – 10 ft.
 - Park boundary – 25 ft. setback from nearest unit
- (5) **MAXIMUM STALL COVERAGE** – 40%
 - Principal building – 28%, or up to 40% if accessory building (garage) is attached
 - Accessory building – 12%
- (6) All roads and lanes in a mobile home park shall be gravelled or paved, well drained, and maintained to the satisfaction of the Development Officer. Minimum right-of-way width shall be 35 ft.. The mobile homes and all community facilities in a mobile home park shall be connected by a safe, convenient, concrete pedestrian walkway of at least 4 ft. in width.
- (7) Mobile home parks shall have at least two legal road accesses.
- (8) **FIVE PERCENT** of the gross site area or 100 sq. ft. per mobile home space shall be provided for the **RECREATIONAL USE** of the park occupants. This recreational site(s) shall be:
 - (a) located convenient to all park residents;
 - (b) free from traffic hazards;
 - (c) be clearly marked, landscaped and properly equipped;
 - (d) screened or fenced; and
 - (e) shall not be included in areas designated as buffer strips.

The amount of recreation space MAY be reduced at the discretion of the Development Officer, if in his opinion, adequate recreation space exists in the area in which the mobile home park is located.

- (9) Adequate screening in the form of vegetation or fencing shall be provided:
- (a) between the mobile home park and adjacent uses where there uses are incompatible with the residential use of the mobile home park; and
 - (b) where necessary around laundry areas, service buildings, and garbage collection facilities.
- (10) Each mobile home stall shall be clearly marked on the ground by permanent stakes, markers, or other means and shall be clearly defined with a stall number or other address system.
- (11) Each mobile home park stall shall provide a concrete or other durable base on which the mobile home shall be placed.
- (12) The UNDERCARRIAGE of each mobile home shall be completely SCREENED from view by the foundation or by skirting within **30 DAYS** of the placement of the mobile home.
- (13) All ACCESSORY STRUCTURES such as patios, porches, additions, skirting, and storage facilities shall be:
- (a) factory prefabricated or the equivalent thereof, the exterior and design of which shall match the mobile home;
 - (b) considered as part of the principal building;
 - (c) erected only after obtaining a building permit; and
 - (d) less than 25% of the gross floor area of the mobile home in size (excluding attached garages).

Additions to a mobile home shall have a foundation or skirting equivalent to that of the mobile home.

- (14) No accessory building or use shall be located in the FRONT YARD, however, driveways to side yard parking are permitted.
- (15) All utility lines shall be placed underground. Street lighting and signage shall be of the same standard used in the other residential districts.
- (16) All areas of a mobile home park not occupied by roads, lanes, walkways, driveways, mobile home units, buildings, and other facilities shall be landscaped and kept landscaped, in accordance with regulations prescribed by the Development Officer.
- (17) **OFF-STREET PARKING REQUIREMENTS :**
- (a) one off-street space per mobile home unit
 - (b) hardsurfaced visitor parking area(s) conveniently located at a ratio of one space for every 4 mobile home stalls
 - (c) visitor parking areas shall be signed as such and not used for storage of recreational tenants' vehicles and equipment.
- (18) All mobile home units shall be connected to communal utility services: water, sewer (sanitary and storm) electricity, and natural gas systems.

- (19) All utility lines shall be underground and meet the requirements of the municipal regulations regarding such installations.
- (20) The park owner shall provide proper garbage containers on each lot, and a screened garbage disposal area shall be provided at a point convenient for collection.
- (21) The park owner shall provide fire hydrants where necessary and any other fire protection equipment or facilities as deemed necessary by the Fire Chief.
- (22) A STORAGE COMPOUND shall be provided for large trucks, recreational vehicles and equipment to the satisfaction of the Development Officer. There shall be no outdoor storage of furniture or equipment unless covered storage facilities are provided.
- (23) The park owner, or person in charge of the mobile home park, shall at all times:
 - (a) maintain the park and the common buildings, structures, and improvements thereon in a clean, neat, tidy, and attractive condition and free from all rubbish and debris; and
 - (b) be responsible for the removal of snow from all common areas, internal streets, and walkways.
- (24) All mobile homes shall be anchored with at least four tie downs for a single wide and 8 tie downs for a double wide.

2.8 R-1A RESIDENTIAL – SMALL LOT DISTRICT

This district is generally intended to provide for a street-oriented mix of comprehensively planned lots for single family and two family developments of a single family character. High quality design and livability is essential. This district will normally be applied in new areas and on sites which due to their size, configuration, and location form suitable for comprehensive planning. This district will be used where planned zero side yard developments are proposed.

1. PERMITTED USES

- One family dwellings
- Public parks
- Accessory buildings and uses

DISCRETIONARY USES

- Semi-detached dwellings (Semi-detached dwellings are side by side two-family dwellings)
- Child care facilities (as an accessory use only, and for a maximum of six children)
- Family care facilities
- Home occupations
- Public or private schools
- Public utility uses and installations
- Accessory buildings and uses
- Any other use which, in the opinion of the Commission, is of a similar nature.

2. REGULATIONS

In addition to the General Regulations (see Section 2.5) for all residential districts, the following specific regulations apply.

(1) MINIMUM LOT REQUIREMENTS:

(a) Use	Width	Length
One family dwellings	35 ft.	110 ft.
Semi-detached dwelling	24.6 ft.	110 ft.
Other – as required by the Commission		

- (b) In a subdivision with lanes, a minimum lot width of 34.4 ft. for single family dwellings may be allowed.

(2) MINIMUM YARD REQUIREMENTS: Principal Building

(a) Use	Front	Side	Rear
One family & semi-detached dwelling	19.7 ft.	10% of site width, with a minimum side yard of 3.9 ft.	24.6 ft.
1 1/2, 2, & 2 1/2 storey	19.7 ft.	6.6 ft.	24.6 ft.

- (b) The Development Officer may eliminate one side yard for single family dwellings where:
 - (i) the owner of the adjacent site grants an 8.2 ft. private maintenance easement which shall:
 - be registered by caveat against the title of the site proposed for development and the adjacent site; and
 - include a 2.0 ft. eave and footing encroachment easement; and
 - (ii) all roof drainage from the building is directed onto the site by eavestroughs and downspouts;
- (c) On a corner site where the building fronts on the front street, the minimum side yard abutting the flanking street shall be 20% of the site width, to a maximum requirement of 13.1 ft.;
- (d) On a corner site where the building fronts on the flanking street, the minimum yard abutting the flanking street shall be 13.1 ft.;
- (e) When a garage or carport is attached to the side of the dwelling, it shall be considered as part of the dwelling and the minimum side yard shall be the same as for the dwelling except where it is a mutual garage erected on the common property line to the satisfaction of the Development Officer;
- (f) All garages and carports shall have a minimum setback of 18 ft. from the property line to the doors of the garage or entrance to carport. Detached garages shall be setback a minimum of 8 feet from the dwelling.
- (3) **MAXIMUM HEIGHT** – Principal buildings not to exceed 34.4 ft. nor 2 1/2 stories
– Accessory buildings 16.4 ft.
- (4) **MAXIMUM SITE COVERAGE** – Total 40% Principal building – 28% or up to 40% if accessory building (garage) is attached
Accessory building – max. 15%.
- (5) **OFF-STREET PARKING REQUIREMENTS**
 - (a) in laned subdivisions, one parking space to the rear or side of the dwelling;
 - (b) in laneless subdivisions, one parking space to the rear, side, or front of the dwelling;
 - (c) parking areas shall be so provided that a garage (either attached or detached) may be built in the future to conform with the minimum requirements of this By-law.
- (6) **Home Occupations:**
 - in accordance with the regulations in PART THREE
- (7) **Signs:**
 - in accordance with the regulations in PART THREE

(8) **DESIGN REQUIREMENTS**

The design of dwellings must ensure individuality and variety of dwellings within a unified project. This will require consideration of the elevational treatment of colours, materials, and textures, as well as setbacks, orientations, massing, floor plans, roof lines, and wall openings.

(9) **Other Regulations**

- (a) The Commission may exercise discretion in considering semi-detached having regard to:
 - (i) compatibility of the use with the siting, height, building types, and material characteristic of surrounding dwellings; and
 - (ii) the effect on the privacy of adjacent properties;
- (b) Restrictive covenants may be required to provide for the continuing integrity of the project, including provisions for future additions, alterations, and the siting of accessory buildings;
- (c) Where a site in this district abuts another district, the design and siting, in the opinion of the Development Officer or Commission, shall not interfere with the enjoyment of the adjacent land uses.

2.9 R-2 RESIDENTIAL – TWO FAMILY DISTRICT

The general purpose of this district is to provide for two dwelling unit attached and semi-detached residential development.

1. PERMITTED USES

- Two family dwellings
- Semi-detached dwellings
- Accessory buildings and uses

DISCRETIONARY USES

- One-family dwellings
- Churches
- Fire or police stations
- Home occupations
- Child care facilities (as an accessory use only and for up to a maximum of six children)
- Public and quasi-public buildings
- Rooming and boarding houses
- Accessory buildings and uses
- Any other use which, in the opinion of the Commission, is of a similar nature.

2. REGULATIONS

(1) MINIMUM LOT SIZE

(a) Lane Subdivision

Use	Width (ft.)	Length (ft.)
One family dwellings		
One storey	50	110
Corner	60	110
Two family dwellings		
One storey	60	110
Two, 2 1/2 storeys	65	110
Corner	65	110

(b) Laneless Subdivision

Use	Width (ft.)	Length (ft.)
One family dwellings		
One storey	55	110
Corner	60	110
Two family dwellings		
One storey	60	110
Two, 2 1/2 storeys	65	110
Corner	65	110

(2) **MINIMUM YARD REQUIREMENTS**

(a) Lane Subdivision and Laneless Subdivision Use	Front (ft.)	Side (ft.)	Rear (ft.)
One family	20	4	25
Two family			
One storey	20	4	25
Two, 2 1/2 storeys	20	6	25

NOTE: In LANELESS SUBDIVISIONS one side yard of 9 ft. shall be provided, OR a 4 ft. wide maintenance easement registered against the titles of the proposed development site and the closest side yard of the adjacent lot to provide maintenance access to rear yard utilities.

DISCRETIONARY – as required by the Development Officer

- (b) In no case shall the total measurement of the side yards be less than 20% of the width of the lot.
- (c) In the case of a corner lot the yard next to the lane at the rear of the lot may be a minimum of 15 feet.
- (d) In a laneless subdivision one side yard shall be a minimum of 10 feet or such width as is necessary to accommodate a front drive for each dwelling unit.
- (e) The minimum side yard on the flanking street side of a corner lot shall be 15 feet.
- (f) Where the side yard abuts a utility lot or walkway the side yard abutting the utility lot or walkway shall not be less than 3 feet.
- (g) In the case where a lane flanks the side of the site the minimum side yard need not exceed 10 feet.
- (h) For accessory buildings on sites when a lane flanks the side of the site the side and rear yard shall be 3 feet and 10 feet dependent on siting of building.
- (i) For accessory buildings on other than lots flanked by a lane, the side and rear yard provisions are reduced to not less than 3 feet provided that overhanging eaves shall be not less than 2 feet from any lot line, and the accessory building shall be sited behind the principal building.
- (j) In cases where the dwelling with an attached garage flanks a utility lot, the minimum side yard adjacent to that lot shall be 5 feet.
- (k) Freestanding carports are permitted within side yards provided that no part of the structure is less than 5 feet from the side lot line, save that overhanging eaves may not be less than 2 feet from the side lot line.
- (l) In the case of a separate detached garage, there shall be a minimum of 18 feet distance from the rear or side property lines to the doors of the garage, and a minimum of 8 feet from the dwelling units.
- (m) The distance from garage doors or front of carport to the front property line shall not be less than the front yard of the main building, but in any case shall not be less than 25 feet.

- (3) **MAXIMUM HEIGHT** – not to exceed 35 feet nor 2 1/2 storeys.
- (4) **MAXIMUM SITE COVERAGE**
 - Total 40% of the site may be built on.
 - Principal building – 28% or up to 40% if accessory building (garage) is attached.
 - Accessory building – 12%
- (5) **Churches** – in accordance with regulations set out in the INSTITUTIONAL DISTRICT, 2.17.
- (6) **Off-Street Parking Requirements** – one space per dwelling unit.
- (7) **Signs and Home Occupations** – in accordance with PART THREE.

2.10 R-3 RESIDENTIAL – MULTI-FAMILY DISTRICT

The purpose of this district is to provide for low to medium density multi-family residential development and the possibility of higher density residential development.

1. PERMITTED USES

- Walk-up apartments
- Terraced or row housing
- Accessory buildings and uses
- Triplexes and fourplexes

DISCRETIONARY USES

- High density apartments
- Churches
- Hospital and health
- Public and semi-public uses
- Public utility
- Public and private schools
- Rooming and boarding houses
- Accessory buildings and uses
- Any other use which, in the opinion of the Commission, is of a similar nature.

2. REGULATIONS

(1) DENSITY

- (a) The maximum net density shall be:

<u>Dwelling Type</u>	<u>Persons Per Acre</u>
Walk-up apartments	67.5
Terraced or row housing	67.5
High density apartments	140

- (b) Population density per acre to be calculated according to the following chart:

<u>No. of Bedrooms</u>	<u>Persons Per Suite</u>
0	1.10
1	1.86
2	2.96
3	3.87

(2) **MINIMUM SITE AREA**

Dwelling Type	Square Footage
Walk-up apartments	8,000 sq. ft. per each building
Terraced or row housing	2,500 sq. ft. per each interior dwelling unit 3,500 sq. ft. per each corner or end dwelling unit
High density apartments	as required by the Commission

(3) **MAXIMUM SITE AREA** – 3 acres for any one site

(4) **MINIMUM YARD REQUIREMENTS**

(a) **Walk-up apartments**

(i) **Front Yards**

- i. 20 ft. for a building 30 ft. or less in height;
- ii. 30 ft. for a building between 30 and 40 ft. in height;
- iii. 35 ft. for a building 40 ft. or more in height.

(ii) **Side Yards**

A side yard shall be provided on each side of the building of not less than 15% of the width of the lot or 15 ft. whichever is the lesser, except in the following cases:

- i. for a building more than 30 ft. in height the side yard shall be 20% of the width of the lot or 20 ft. whichever is the lesser.

(iii) **Rear Yards**

Minimum rear yard shall be 25 ft.

(b) **Terraced or Row Housing**

(i) **Front Yards**

Minimum front yard shall be 25 ft.

(ii) **Side Yards**

Minimum side yard shall be 15 ft. except where two or more buildings are on one lot in which case there shall be 20 ft. between the side walls of the two buildings.

(iii) **Rear Yards**

Minimum rear yard shall be 25 ft.

(iv) Each dwelling unit in terraced or row housing shall have one yard which serves as an outdoor living area for the occupants. This yard shall have a depth of 25 ft.

(v) Within this 25 ft. outdoor living area there shall be a privacy zone of 15 ft. which is contained by a fence at least 5 ft. in height.

(vi) No project walkway shall be located within 15 ft. of a window to a habitable room.

(c) **Site Coverage**

(i) **Walk-up Apartments and Terraced or Row Housing**

The maximum area of land which may be built upon shall be 35% of the site area unless otherwise approved by Council.

(5) Regulations for High Density Apartments

High density developments shall be subject to such regulations, setbacks, site area, and coverage and height as required by the Commission. In setting these regulations, the Commission shall have due consideration to the adjacent land uses and the amenities of the district in which the development is proposed. Developments exceeding 40 units and 3 storeys in height shall only be located in the downtown area.

(6) Special Requirements

(a) In the case of two or more grouped buildings, the relationship of the buildings to each other and the total relationship to the site, in particular, respect to such matters and appearance, provision of adequate light, air privacy, and landscaping shall be fully shown in the site plans for the whole development and shall be to the satisfaction of the Development Officer.

(b) All multi-family housing projects shall provide AMENITY AREAS set aside for recreational and landscaping purposes:

(i) The minimum amenity areas shall be in accordance to the following schedule:

Unit Type	Square Footage
Bachelor	150
One bedroom	200
Two bedroom	575
Three bedroom	950
Four bedroom	1,325

(c) For family housing (two bedrooms and over) containing more than 40 dwelling units, playgrounds, and play equipment shall be provided on the basis of 20 sq. ft. per bedroom, master bedroom excluded:

(i) This play area shall be provided with landscaping, fencing, surface treatment, and equipment satisfactory to the Development Officer.

(ii) This play area will be included as part of the amenity area for the project.

(7) Notwithstanding the regulations in this District, applications for all multi-family developments shall be evaluated by using the **EVALUATION OF MULTIPLE FAMILY AND MEDIUM DENSITY HOUSING REPORT** as a guide.

- (8) Signs – see PART THREE.
- (9) Churches – see INSTITUTIONAL DISTRICT, 2.17.
- (10) Off-Street Parking
 - one space per bachelor unit
 - one space per one bedroom unit
 - 1.5 spaces per 2 or more bedroom units
 - one space of guest parking per 5 dwelling units (shall be marked and assigned as guest parking and readily available to an entrance of the building served)
 - reductions in parking requirements may be considered for higher density developments in the downtown area and for senior citizens developments.
 - one space per two beds in rooming and boarding houses.

2.11 C-1 COMMERCIAL – MULTI PURPOSE DISTRICT

The purpose of this district is to provide for a wide variety of retail commercial and personal service uses at a high intensity which serve areas beyond the surrounding community.

1. PERMITTED USES

- Retail stores
- Auditoriums
- Bakeries
- Banks
- Barber shops
- Beauty shops
- Bowling alleys
- Cafe and coffee shops
- Catering establishments
- Clinics
- Dressmaker's or tailor shops
- Laundry and dry cleaning depots
- Liquor stores
- Medical and dental labs
- Music and dance studios
- Offices
- Photographer's shops
- Pool or billiard rooms
- Post office
- Public and quasi-public uses
- Radio and television repair shops
- Shoe repair shops
- Theatres
- Workshops accessory to retail stores
- Residential uses in conjunction with commercial or office uses
- Accessory buildings and uses

DISCRETIONARY USES

- Apartments combined with commercial uses
- Bus terminals
- Car rental and sales
- Cocktail lounges
- Drive-in businesses
- Funeral homes
- Hotels and motor hotels
- Printing, blueprinting, or other reproduction processes
- Public utility uses and buildings
- Public and private schools
- Private clubs and lodges
- Shopping centres
- Service stations
- Veterinary clinics for treatment of small animals or pets only
- Any use which, in the opinion of the Commission, is of a similar nature.

2. REGULATIONS

- (1) In case of a building containing both residential and non-residential uses:
 - (a) There shall be no dwelling units on the main floor or basements, except in residential hotels or senior citizens homes.
 - (b) All dwelling unit areas shall have direct access to the outside street level.
- (2) Retail stores shall not include buildings or yards used for the sale or storage of new or used motor vehicles or agricultural or heavy industrial machinery or equipment.
- (3) Service stations, drive-in establishments, car washing establishments, and hotels shall conform to the regulations set out in PART THREE.
- (4) SHOPPING CENTRES shall be permitted only on sites approved by Council, and the design, setting, (including yards and setbacks), external finish, appearance, and landscaping shall be to the satisfaction of the Development Officer.

(5) MINIMUM SITE AREA

Use	Width (ft.)	Area (sq. ft.)
Hotel and Motor Hotel	100	12,000
Service Station	100	12,000
All other uses	25	3,000

(6) MINIMUM YARD REQUIREMENTS

- (a) Front Yards – 5 feet
 - (b) Side Yards – No side yards are required, however, (i) if the site abuts a residential district, a 5 ft. side yard is required; and (ii) if the building is combustible, a 10 ft. side yard is required.
 - (c) Rear Yards – 10 ft. or as required by the Commission.
- (7) MAXIMUM HEIGHT REQUIREMENTS – as required by the Commission.

(8) OFF-STREET PARKING – minimum spaces required.

(a) Commercial

Business, administrative and professional offices, and banks	3.2 per 1,000 sq. ft. of gross floor area in the building
Retail shops, personal service shops and equipment, and repair shops with a gross floor area of:	
– less than 20,000 sq. ft.	2 per 1,000 sq. ft. of gross leasable area in the building
– 20,000 sq. ft. to 200,000 sq. ft.	3 per 1,000 sq. ft. of gross leasable area in the building
– greater than 200,000 sq. ft.	4 per 1,000 sq. ft. of leasable area in the building
Eating establishments	1 per 4 seats
Cocktail bars	1 per 4 seats
Beer parlours	1 per 4 seats
Hotels, including Motor Hotels	1 per guest room
Motels	1 per dwelling or sleeping unit

(b) Auditoriums

Public assembly auditoriums including theatres, convention halls, gymnasiums, race tracks, exhibition halls, labour temples, lodge halls, private clubs, ball-parks and other sports arenas, and other recreational or amusement places	1 per 5 seating spaces for the public, or 1 per 50 sq. ft. used by the patrons, whichever is greater
Funeral homes	1 per 5 seats for attending services plus 1 space per funeral home vehicle. (The Development Officer may allow any suitable arrangement of the required parking spaces without the normally required provision of manoeuvring aisles.)

Parking and Manoeuvring Space dimensions – see PART THREE

- (9) Off-Street Loading Requirements
 - all uses – one space for each loading door, with a minimum of one space
- (10) Specific Regulations for Motels, Motor Hotels, Service Stations, Drive-In Businesses
 - shall be in accordance with those listed in PART THREE
- (11) Signs – see PART THREE
- (12) Architectural Controls
 - Where, in the opinion of the Development Officer, any development is of major significance, no permit shall be issued without the approval of Council in accordance with the following regulations established to assure an attractive central business district.
 - (a) The design, siting, external finish, height, architectural appearance, and landscaping in general of all buildings, including any accessory buildings and structures, shall be to the satisfaction of Council;
 - (b) Council may require a uniform roof line in case of two or more abutting buildings, a uniform line or canopy or projections, and a uniform height from sidewalk to display windows;
 - (c) Sign control, in addition to those pertinent regulations in PART THREE, shall be exercised by Council to assure that no signs clash with each other and that the individual signs do not detract from the appearance of the area or street;
 - (d) The following information shall be provided with the application for development and building permits.
 - (i) Site Plan showing: yard setbacks (front, rear, side), roof overhang outline, north point, legal description, parking stalls, driveways, landscaping, utility service lines, streets, and nearest buildings on adjacent property;
 - (ii) Floor and Foundation Plan showing: all outside dimensions, all inside dimensions, location of partitions, mechanical locations (heating, ventilation, electrical, air conditioning, water and sewer facilities), materials and construction, and finishes (floor, interior wall and ceiling);
 - (iii) Sections showing:
 - at least one cross section of the dimensions, construction, and materials
 - all finishes
 - heights of rooms or spaces, and relationship of building to finished grade;
 - (iv) Elevations showing:
 - front, rear, right, and left side of the building
 - all the exterior materials and finishes including the type of roofing
 - finished grade line in relation to curb line as determined by the Town Engineer, and shown on all four elevations.

2.12 C-2 COMMERCIAL – SERVICE DISTRICT

The purpose of this district is to provide for a wide range of wholesale, commercial, and retail businesses and services at a medium intensity and which serve areas beyond the surrounding community.

1. PERMITTED USES

- A workshop used by:
 - Carpenter/cabinet maker
 - Decorator/painter
 - Electrician
 - Plumber/steam fitter
 - Machinist
 - Metal worker/tinsmith
 - Sign painter
 - Upholsterer
 - Welder
- Farm equipment sales and service
- Bakeries
- Car washes
- Cold storage lockers
- Laundry and dry cleaners
- Wholesale warehouses
- Servicing and repairing establishments
- Storage and/or sale of:
 - Automobiles
 - Building materials
 - Lumber
 - Mobile homes
 - Recreation vehicles
- Service stations
- Veterinary clinics in which no livestock is kept
- Accessory buildings and uses

DISCRETIONARY USES

- (1) Any use which, in the opinion of the Commission, is of a similar nature or which is a permitted or discretionary use in the C-1 District.

2. REGULATIONS

- (1) Establishments for the sale of new or used automobiles, mobile homes, recreation vehicles, or agricultural vehicles are subject to the following minimum requirements:
 - (a) All storage areas and parking lots shall be screened from any adjacent residential zone by a solid wall or fence not less than 5 ft. high;
 - (b) Vehicles being displayed, serviced, or stored shall not be parked on streets, lanes, sidewalks, or boulevards and wheel guards or bumper guards shall be provided and so located that no part of a vehicle will extend into such streets, lanes, sidewalks, or boulevards.

- (2) All outdoor storage areas shall be enclosed with a suitable fence and the outdoor storage and display of equipment, machinery, building materials, lumber, or other materials shall be kept in a clean and orderly condition at all times.
- (3) All unsightly storage or activities shall be screened from the general view by a solid fence not less than 6 ft. high.
- (4) **MINIMUM YARD** – as required by the Commission, except when other than masonry construction is used, the minimum yard shall be 10 ft.
- (5) Signs – in accordance with PART THREE, .

(6) Off-Street Parking – minimum requirements.

(a) Commercial

Business, administrative and professional offices, and banks	3.2 per 1,000 sq. ft. of gross floor area in the building
Retail shops, personal service shops and equipment, and repair shops with a gross floor area of:	
– less than 20,000 sq. ft.	2 per 1,000 sq. ft. of gross leasable area in the building
– 20,000 sq. ft. to 200,000 sq. ft.	3 per 1,000 sq. ft. of gross leasable area in the building
– greater than 200,000 sq. ft.	4 per 1,000 sq. ft. of gross leasable area in the building
Eating establishments	1 per 4 seats
Cocktail bars	1 per 4 seats
Beer parlours	1 per 4 seats
Hotels, including Motor Hotels	1 per guest room
Motels	1 per dwelling or sleeping unit

(b) Industrial

Manufacturing and industrial plants, warehousing, wholesale and storage buildings and yards, servicing and repair establishments, and public utility buildings

1 per 3 employees on a maximum working shift provided this requirement may be varied by the Development Officer or Municipal Planning Commission

(c) Auditoriums

Public assembly auditoriums including theatres, convention halls, gymnasiums, race tracks, exhibition halls, labour temples, lodge halls, private clubs, ball-parks and other sports arenas, and other recreational or amusement places

1 per 5 seating spaces for the public or 1 per 50 sq. ft. used by the patrons, whichever is greater

Funeral homes

1 per 5 seats for attending services plus 1 space per funeral home vehicle. (The Development Officer may allow any suitable arrangement of the required parking spaces without the normally required provision of manoeuvring aisles.)

Parking and Manoeuvring Space dimensions – see PART THREE, 3.

(9) **OFF-STREET LOADING MINIMUM REQUIREMENTS**

– all uses – one space for each loading door, with a minimum of one space to be provided

(10) **Specific Regulations for Motels, Motor Hotels, Service Stations, Drive-In Businesses and Car Washes**

– shall be in accordance with those listed in PART THREE

2.13 C-3 COMMERCIAL – HIGHWAY DISTRICT

The purpose of this district is to provide for certain commercial uses which, in order to serve the motoring public, locate on highways and streets with heavy traffic volumes and high levels of exposure.

1. PERMITTED USES

- Car washes
- Coffee shop and restaurant
- Drive-in
- Motel, motor hotel
- Service station
- Souvenir shop
- Accessory buildings and uses

DISCRETIONARY USES

- Any tourist or travelling public use that depends on its proximity to a highway for trade
- Car agencies, car sales lots, mobile home sales, recreational vehicle sales, and accessory offices
- Farm equipment sales and service
- Veterinary clinics in which all animals are kept inside
- Any use which, in the opinion of the Commission, is of a similar nature.

2. REGULATIONS

(1) MINIMUM SITE AREA

Use	Area (sq. ft.)
Motel and motor hotel	20,000
All other uses	10,000

The minimum site area and frontage may be adjusted to accommodate smaller existing lots by the Commission provided that ample space is allowed for ingress and egress and for parking while waiting for services.

(2) MINIMUM YARD REQUIREMENTS

Use	Front (ft.)	Side (ft.)	Rear (ft.)
Motel and motor hotel	50	10	10
All other uses	30	10	10

- (3) Prior to issuance of a building permit, a site plan indicating location of buildings, landscaping, parking accesses and driveways, proposed lighting and signs, and any fences or screening shall be approved by the Development Officer.

- (4) The access from the premises to the highway or major street shall be allowed only at points established by the Development Officer. The building setbacks shall allow for the planned widening of streets and/or provision of service roads where required by the Development Officer. The building setbacks shall provide for the front yards as established by those regulations in addition to the setbacks needed for the aforementioned widening.
- (5) Where development fronts on a highway or arterial roadway, a service roadway shall be provided adjacent and parallel to the highway or arterial roadway to the satisfaction of the Council.
- (6) All storage areas and parking lots shall be screened from any adjacent residential district by a solid wall or fence not less than 5 feet high.
- (7) Vehicles and other equipment being displayed, serviced, or stored shall not be parked on streets, lanes, sidewalks, or boulevards, and wheel or bumper guards shall be provided and located so that no part of the vehicle or equipment extends into the streets, lanes, sidewalks, or boulevards.
- (8) All yards abutting the highway or road shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- (9) Signs – see PART THREE,
- (10) **OFF-STREET PARKING** – minimum requirements

(a) **Commercial**

Business, administrative and professional offices, and banks	3.2 per 1,000 sq. ft. of gross floor area in the building
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Retail shops, personal service shops and equipment, and repair shops with a gross floor area of:

– less than 20,000 sq. ft.	2 per 1,000 sq. ft. of gross leasable area in the building
– 20,000 sq. ft. to 200,000 sq. ft.	3 per 1,000 sq. ft. of gross leasable area in the building
– greater than 200,000 sq. ft.	4 per 1,000 sq. ft. of gross leasable area in the building

Eating establishments	1 per 4 seats
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Cocktail bars	1 per 4 seats
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Beer parlours	1 per 4 seats
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Hotels, including Motor Hotels	1 per guest room
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Motels	1 per dwelling or sleeping unit
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Parking and Manoeuvring Space dimensions – see PART THREE, 3. .

- (11) **OFF-STREET LOADING MINIMUM REQUIREMENTS**
 - one space for each loading door, with a minimum of one space to be provided
- (12) **Specific Regulations for Motels, Motor Hotels, Service Stations, Drive-In Businesses and Car Washes**
 - shall be in accordance with those listed in PART THREE

2.14 C-4 COMMERCIAL – CONVENIENCE DISTRICT

The purpose of this district is to provide for small grocery stores to serve the day-to-day convenience needs of the immediate neighbourhood.

1. PERMITTED USES

None

DISCRETIONARY USES

- Grocery stores
- Dwelling Units
- Home occupations
- Accessory buildings and uses

2. REGULATIONS

- (1) **MAXIMUM SITE AREA** – 7,200 sq. ft. or as required by the Commission
- (2) **MINIMUM YARD REQUIREMENTS**
 - Front – 25 ft.
 - Side – 5 ft. (one storey)
 - 7.5 ft. (two and 2 1/2 storeys)
 - Rear – 25 ft.
- (3) **SITE COVERAGE** – maximum of 45%
- (4) **Grocery Store** – shall be limited to first storey
- (5) **Dwelling Units** – may be allowed in a building where:
 - (a) the first storey contains a grocery store, and
 - (b) the dwelling unit(s) have an entrance from grade separate from the entrance to the store
- (6) **Outside Storage** – no outside storage shall be allowed
- (7) **OFF-STREET PARKING**
 - (a) Grocery stores – one space per 500 sq. ft. gross leasable space
 - (b) Dwelling units – one space per dwelling unit shall be provided
 - (c) Parking area shall be screened from any adjacent residential district by a solid wall or fence not less than 5 feet high and located to the front or rear of the principal building in accordance with adjacent sites.
 - (d) Parking and Manoeuvring Space Size and Design – see PART THREE, 3. .
- (8) **BUILDING HEIGHT** – a maximum of two and one half storeys not exceeding a height of 37 feet
- (9) **Home Occupations** – see PART THREE, 3. .
- (10) **Signs** – see PART THREE, 3. .

2.15 IR INDUSTRIAL – RESTRICTED DISTRICT

The purpose of this district is to provide for a wide range of industrial and business uses which are compatible with each other and do not adversely affect surrounding non-industrial land uses.

1. PERMITTED USES

- Any Permitted Use in the C-2 District
- Warehousing, storage receiving, distribution, trans-shipment of raw materials, and processed or manufactured products
- Light industrial uses not noxious or injurious or hazardous
- Accessory buildings and uses

DISCRETIONARY USES

- Manufacturing, commercial, recreational, or public service uses unlikely to restrict the use of the District for Light Industry
- Any use which, in the opinion of the Commission, is of a similar nature.
- Veterinary clinic

2. REGULATIONS

- (1) SITE COVERAGE – maximum 60% building coverage of site area
- (2) MINIMUM SITE AREA – 10,000 sq. ft.
- (3) MINIMUM FRONTAGE – 100 ft.
- (4) MINIMUM YARD REQUIREMENTS

(a) Use	Front (ft.)	Side (ft.)	Rear (ft.)
All uses	20	15	4

- (b) No area for parking, loading or storage, or any other like purpose shall be permitted within such minimum yards.
- (c) Side yards at a distance of 40 ft. or more from the front property line may be used for the parking of motor vehicles.
- (d) Side yard requirements may be reduced by the Development Officer where there is an abutting railway line, lane, or utility lot.
- (e) Rear yards shall not be less than 15 feet where there is no rear lane.
- (f) Rear yards shall not be less than 25 feet where the rear boundary abuts a residential district.
- (g) No rear yard is required where the rear boundary abuts a railway line.
- (h) Where side or rear yards abut a residential district, the applicant shall construct and maintain a solid wall or fence at least 5 feet in height along the property line abutting the residential district.

- (i) When the development fronts on a declared Provincial highway, a minimum front yard shall be 100 feet, or if a service road right-of-way exists, adjacent and parallel to the highway, the minimum front yard may be reduced to 25 feet from the service road right-of-way.
- (j) Where the development fronts on a secondary highway or a major municipal road, the minimum front yard shall be 91 feet. Where the service road right-of-way exists, adjacent and parallel to the secondary highway or a major municipal road, the minimum front yard shall be 25 feet.

(5) **MAXIMUM HEIGHT REQUIREMENTS – 35 feet.**

(6) **PERFORMANCE STANDARDS**

- (a) Any industrial operation including production, processing, cleaning, testing, repairing, storage, or distribution of any material shall conform to the following standards at all times:
 - (i) Noise – Emit no noise of industrial production audible at any point on the boundary of the lot on which the operation takes place.
 - (ii) Smoke – No process involving the use of solid fuel is permitted, save the use of waste disposal incinerators of a design approved by the Development Officer.
 - (iii) Dust and Ash – No process involving the emission of dust, fly ash, or other particulate matter is permitted.
 - (iv) Smell – The emission of any odorous gas or other matter is prohibited.
 - (v) Toxic Gases, etc. – The emission of toxic gases or other toxic substances is prohibited.
 - (vi) Glare or Heat – No industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned.
 - (vii) External Storage – External storage of goods or materials is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Officer.
 - (viii) Construction – All buildings shall be entirely of fire resistant construction in accordance with the Alberta Building Code, as amended from time to time.
 - (ix) Industrial Wastes – No wastes shall be discharged into any sewer which does not conform to the standards established from time to time by By-law of the Town.
- (b) The onus of providing to the Development Officer's or the Commission's satisfaction that a proposed development does and will comply with these standards rests with the developer.

(7) **APPEARANCE**

- (a) All buildings shall be of good architectural design.
- (b) All yards abutting the highway or road shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

- (c) All storage, freight, or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features, or fences, or a combination thereof.
- (d) All driveways with access to paved public streets, shall be paved for a minimum distance of 50 feet from the front property line.
- (e) All front yards shall be landscaped to the satisfaction of the Development Officer.

(8) Signs – in accordance with those regulations set out in PART THREE, 3. .

(9) **OFF STREET PARKING – Minimum Requirements**

Industrial

Manufacturing and industrial plants, warehousing, wholesale and storage buildings and yards, servicing and repair establishments, research laboratories, and public utility buildings	1 per 3 employees on a maximum working shift, provided this requirement may be varied by the Development Officer or Municipal Planning Commission
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Commercial

Business, administrative and professional offices, and banks	3.2 per 1,000 sq. ft. of gross floor area in the building
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Retail shops, personal service shops, and equipment and repair shops with a gross floor area of:

– less than 20,000 sq. ft.	2 per 1,000 sq. ft. of gross leasable area in the building
– 20,000 sq. ft. to 200,000 sq. ft.	3 per 1,000 sq. ft. of gross leasable area in the building
– more than 200,000 sq. ft.	4 per 1,000 sq. ft. of gross leasable area in the building

(Parking requirements for discretionary uses not listed above shall be in accordance with the specific requirements in districts where the use is a permitted use).

(10) Parking and Manoeuvring Space Design shall be in accordance with the regulations in PART THREE, 3. .

(11) **OFF STREET LOADING REQUIREMENTS** – one space for each loading door with a minimum of 2 spaces to be provided.

2.16 IG INDUSTRIAL – GENERAL DISTRICT

The purpose of this district is to provide opportunities for light industrial and manufacturing uses, with the possibility of heavier industry at the discretion of the Commission.

1. PERMITTED USES

- General industry
- Foundry and boiler works
- Industrial warehousing
- Industrial storage
- Quarries
- Manufacturing and processing of agricultural products
- Veterinary clinics
- Livestock auction markets
- Any permitted use in the industrial restricted district
- Accessory buildings and uses

DISCRETIONARY USES

- Manufacturing and processing of chemical products:
 - Brick
 - Cement
 - Fertilizers
 - Metals
 - Natural Gas
 - Petroleum
 - Tar and asphalt
 - Wood
- Incinerators
- Sewage treatment and disposal plants
- Accessory buildings and uses
- Agricultural, commercial, recreational, and municipal or public buildings and uses which, in the opinion of the Commission, are unlikely to restrict the use of the District for industry.
- Any other use which, in the opinion of the Commission, is of a similar nature.

2. REGULATIONS

- (1) MINIMUM SITE AREA – 10,000 sq. ft.
- (2) MINIMUM FRONTAGE – 100 ft.
- (3) DEVELOPMENT AND SITE STANDARDS
 - (a) Development and site dimensions shall be as required by the Commission in accordance with the needs of a particular industrial development.
 - (b) Any yard which abuts a highway, other than a local road or lane, shall be landscaped and maintained in a neat condition to the satisfaction of the Development Officer.

(4) MINIMUM YARD REQUIREMENTS

(a) Front Yards

- (i) When the development fronts on a provincial highway, the minimum front yard shall be 100 feet; the yard's dimensions can be reduced to 25 feet if there is a service road.
 - (ii) Where the development fronts on a secondary highway or major municipal road, the minimum front yard shall be 35 feet.
- (b) All other yards shall be at the discretion of the Development Officer, having due regard for a particular location, type of industry, adjacent development, and safety factors.

(5) PERFORMANCE STANDARDS

- (a) Any industrial operation including production, processing, cleaning, testing, repair, storage, or distribution of any material shall conform to the following standards:
- (i) Smoke, dust, ash, odor, toxic gases shall only be released to the atmosphere in such amounts and under such conditions and safeguards as shall have been approved by the Council and Alberta Environment.
 - (ii) Glare or Heat or Noise or Vibration – No industrial operation shall be carried out which would produce any of the above so as to be offensive beyond the boundary of the IG District wherein the site is located.
 - (iii) Industrial Waste – No industrial waste shall be discharged into any sewer which does not conform to the standards established from time to time by a By-law of the Town of Westlock and Alberta Environment.
 - (iv) All buildings shall be entirely of fire resistant construction in accordance with the Alberta Building Code, as amended from time to time.
- (b) The onus of proving to the Town of Westlock or the Commission's satisfaction that a proposed development does and will comply with these performance standards rests with the applicant.
- (c) In considering the application, the Development Officer or the Commission shall have regard to the intent of this Section, which is to establish use on the basis of:
- (i) appropriate performance standards
 - (ii) the methods, equipment, and techniques of the applicant
 - (iii) the use of neighbouring land and districts and the compatibility of the proposed use with neighbouring lands and districts.

- (6) Signs – shall be in accordance with PART THREE, 3. .

(7) **OFF-STREET PARKING MINIMUM REQUIREMENTS**

Industrial

Manufacturing and industrial plants, warehousing, wholesale and storage buildings and yards, servicing and repair establishments, research laboratories, and public utility buildings	1 per 3 employees on a maximum working shift provided this requirement may be varied by the Development Officer or Municipal Planning Commission
---	--

Commercial

Business, administrative and professional offices, and banks	3.2 per 1,000 sq. ft. of gross floor area in the building
--	---

Retail shops, personal service shops, and equipment and repair shops with a gross floor area of:

– less than 20,000 sq. ft.	2 per 1,000 sq. ft. of gross leasable area in the building
– 20,000 sq. ft. to 200,000 sq. ft.	3 per 1,000 sq. ft. of gross leasable area in the building
– more than 200,000 sq. ft.	4 per 1,000 sq. ft. of gross leasable area in the building

(Parking requirements for discretionary uses not listed above shall be in accordance with the specific requirements in districts where the use is a permitted use).

- (8) Parking and Manoeuvring Space Design shall be in accordance with the regulations in PART THREE, 3. .
- (9) **OFF-STREET LOADING REQUIREMENTS** – one space for each loading door with a minimum of 2 spaces to be provided.

2.17 I INSTITUTIONAL DISTRICT

1. PERMITTED USES

- Cemetery
- Educational
- Hospitals
- Governmental
- Utility uses and installations
- Fire hall
- Police stations
- Senior citizen and nursing homes
- Child care facilities
- Churches
- Libraries
- Museums
- Accessory buildings and uses
- Any use which in the opinion of the Commission is of similar nature

2. REGULATIONS

(1) SITE AREA – minimum site area shall be as required by the Commission

(2) MINIMUM YARD REQUIREMENTS

Front (ft.)	Side (ft.)	Rear (ft.)
25	15	25

BUILDING HEIGHT – Maximum height shall not exceed 35 feet, unless otherwise permitted by the Commission.

(3) Signs – see PART THREE, 3.

(4) PARKING AND LOADING

(a) Minimum number of spaces required

Schools

Public or private elementary and junior high schools	1 space for each classroom
Public or private senior high schools which DO NOT include an auditorium, gymnasium, or swimming pool	1 space for each classroom, plus 1 space for every 33 students
Public or private senior high schools which DO include an auditorium, gymnasium, or swimming pool, either i), ii) or iii) shall apply, whichever is greater	<div><div>(i) 1 space for each classroom plus 1 space for every 33 students; or</div><div>(ii) 1 space per 5 seating spaces used for assembly in an auditorium, gymnasium, or swimming pool; or</div><div>(iii) 1 space per 50 sq. ft. used for in an auditorium, gymnasium or swimming pool, whichever is greater</div></div>

Colleges, business, or commercial or technical schools	1 per 10 seats, plus auditorium requirements where applicable
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Hospitals and Similar Uses

Hospitals, sanitoriums, convalescent homes or similar uses	1 per 1,000 sq. ft. of gross floor area
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Home for the aged (individual unit projects)	1 per 4 units or such ratio or number as the Council may approve
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Home for the aged (lodge-type accommodation)	1 per 1,000 sq. ft. of gross floor area or such ratio as the Council may approve
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<u>Churches</u>	1 per 10 seating places
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<u>Auditoriums</u>	per 5 seating places or 1 per 50 sq. ft. of space used by patrons, whichever is greater
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(b) Loading Requirements – as required by the Development Officer

(5) Churches – see PART THREE, 3.2.

2.18 PR PARK AND RECREATION DISTRICT

The purpose of this district is to provide for recreational, educational, and conservation uses.

1. PERMITTED USES

- Public parks
- Public playgrounds
- Public recreational buildings including arenas, curling rinks, roller or ice skating rinks, swimming pools
- Accessory buildings and uses

DISCRETIONARY USES

- Archery ranges
- Band shells
- Campsites
- Community halls
- Golf courses
- Planetariums
- Ski and toboggan slides
- Swimming pool
- Tennis courts
- Accessory buildings and uses
- Any other use which, in the opinion of the Commission, is of a similar nature.

2. REGULATIONS

(1) SITE AREA

Minimum site area – as required by the Commission

(2) YARD REQUIREMENTS

Front Yards – shall be at the discretion of the Development Officer who shall have due regard for the amenities of the district, but in no case shall he permit a setback of less than 25 feet, nor require more than 35 feet

Side Yards – a minimum of 15 feet

Rear Yards – a minimum of 25 feet

(3) BUILDING HEIGHT

Maximum height – 35 feet, unless otherwise approved by MPC

(4) Signs – see PART THREE, 3.2.

(5) OFF STREET PARKING

Auditoriums

Public assembly auditoriums including theatres, convention halls, gymnasiums, race tracks, exhibition halls, labour temples, lodge halls, private clubs, ball parks and other sports arenas and other recreational or amusement places

1 per 5 seating spaces for the public or 1 per 50 sq. ft. used by patrons, whichever is greater.

(Parking and Manoeuvring Space Design shall be in accordance with PART THREE, 3.1.)

(6) Off-Street Loading – as required by the Development Officer.

2.19 UR URBAN RESERVE DISTRICT

The purpose of this district is to reserve lands for future urban development, and to avoid premature subdivision or development which would be incompatible with adjacent districts and existing road and utility systems.

1. PERMITTED USES

- One-family detached dwellings on existing parcels
- Farms and only extensive agricultural practices such as the cropping of grain or hay, but excluding intensive agricultural practices such as intensive livestock confinement facilities

DISCRETIONARY USES

- Public utility installations
- Public and quasi-public buildings and uses
- Any strictly TEMPORARY use of buildings or land which, in the opinion of the Development Officer, will not prejudice the possibility of conveniently and economically subdividing, replotting, or developing the area in the future

2. REGULATIONS

- (1) No subdivision or development other than for the above uses shall take place until an OUTLINE PLAN or AREA STRUCTURE PLAN for the overall area has been approved by Council. The outline plan shall outline the approximate location of: the proposed blocks, land use(s), roads, reserves, utilities, and phases. Area Structure Plans shall be in accordance with the Act, Section 64.
- (2) Relating to one-family dwellings, minimum yard dimensions shall be as determined by the Development Officer.

Part Three
GENERAL DEVELOPMENT REGULATIONS



PART THREE

GENERAL DEVELOPMENT REGULATIONS

3.1 GENERAL PROVISIONS

1. SUBDIVISION OF LAND

Where the development of land involves a **SUBDIVISION OF LAND**, no development permit shall be issued until the application has been submitted to the Director of Planning and written evidence received by the Development Officer that the necessary subdivision has the approval of the Director of Planning.

2. LAND DWELLING UNITS ON A PARCEL

- (1) In any one-family residential district or any district permitting a one-family dwelling, no permit shall be granted for the erection of more than ONE DWELLING UNIT on a single parcel.
- (2) With the approval of the Development Officer, the minimum site area may be less in the case of EXISTING SUBSTANDARD LOTS.

3. REMOVAL OF TOPSOIL

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon occupancy of the development, a minimum topsoil coverage of 6 inches and the affected area shall be landscaped to the satisfaction of the Development Officer.

4. PROTECTION FROM EXPOSURE HAZARDS

- (1) The location of any anhydrous ammonia or liquefied petroleum gas (AA or LPG) storage tank with a water capacity exceeding 2,000 gallons shall be in accordance with the requirement of the Development Officer, but in no case be less than a minimum distance of 400 ft. from assembly, institutional, commercial, or residential buildings.
- (2) AA or LPG containers with a water capacity of less than 2,000 gallons shall be located in accordance with regulations under the Gas Protection Act.
- (3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Fire Prevention Act.
- (4) Setbacks from pipelines and other utility corridors shall be as required by the Development Officer and the appropriate Provincial Regulations or Acts.

5. OFF-STREET VEHICLE PARKING

- (1) In any District, when any new development is proposed including a change of use of existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this By-Law.
- (2) In accordance with the TOWN OF WESTLOCK GENERAL MUNICIPAL PLAN BY-LAW 83-11A policies of strengthening the downtown as the primary focal point for business and other community activities, and recognizing that many of the older, existing building in the downtown were developed before off-street parking was a requirement, the following regulations apply to off-street parking in the DOWNTOWN AREA COMMERCIAL DISTRICTS (C-1 and C-2) ONLY.

Notwithstanding subsection (1), when a landowner/developer has inadequate space for parking, maneuvering and loading for the proposed development as required by this by-law, The Commission MAY:

- (a) Accept MONEY-IN-LIEU for all or part of the parking space required in accordance with a per stall fee established by Council resolution or by-law (Funds generated shall be used to develop new public parking facilities or improve existing ones in the downtown area commercial districts).
- (b) That all or part of parking space be provided on an ALTERNATE SITE, if the alternate site is:
 - (i) available for a duration of not less than 3 years;
 - (ii) located within 400 ft. of the proposed development requiring the parking; andWhere parking is accepted on an alternate site, the development permit shall be subject to:
 - (iii) the landowner(s) entering into development agreement is with the Town in respect of the off-site parking;
 - (iv) caveats being registered against the titles of both properties in respect of the agreement;
 - (v) a restrictive covenant being registered against the title of the property where parking is provided restricting its use to parking; and
 - (vi) cancellation of the development permit if the alternate site becomes unavailable in the future for parking, and the landowner/developer is unable to provide replacement space to the satisfaction of the Development Officer within 30 days.
- (c) WAIVE parking requirements necessitated by a CHANGE IN USE or EXPANSION of an EXISTING BUILDING (or part thereof) DEVELOPED PRIOR TO 1976, BUT SHALL require parking, loading space and manoeuvring space for that PORTION of the building being EXPANDED.

- (3) Hard-surfacing and curbing of off-street parking areas shall conform to the following:
- (a) Every off-street parking space provided or required in any RESIDENTIAL DISTRICT and the access thereto, shall be hardsurfaced or of crushed, clean gravel if the number of parking spaces exceeds two, and if the access thereto, is from a street or lane which is hard-surfaced.
 - (b) Every off-street parking space provided or required in any COMMERCIAL DISTRICT and the access thereto, shall be hard-surfaced, lighted, well-drained, and landscaped if the access thereto, is from a street or lane which is hard-surfaced.
 - (c) Every off-street parking space provided or required in an INDUSTRIAL DISTRICT and the access thereto, shall be hard-surfaced if access is from a street or lane which is hard-surfaced, and if such area lies in front of the principal building. Any area at the rear or the side of the principal building provided or required for off-street parking need not be hard-surfaced, but shall be of such a surface as will minimize the carrying of dirt or foreign matter onto the highway.
 - (d) Where hard-surfacing is provided or required, such shall mean the construction of a durable, dust-free, hard surface constructed of concrete, asphalt or similar pavement, or crushed, clean gravel and the same shall be drained, developed, and maintained to the satisfaction of the Development Officer.
 - (e) Adequate curbs or fences shall be provided to the satisfaction of the Development Officer if, in his opinion, it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas, or buildings on the site, or on an abutting site, from contact with vehicles using such parking space or area.
 - (f) Notwithstanding anything contained in this section, if the street or lane from which access is available to any required parking space is hard-surfaced after the time at which the parking space is provided or required, the person responsible for the construction or maintenance of such parking space shall forthwith hard-surface such parking space and the access thereto.
 - (g) Notwithstanding anything contained in this Section, in any residential district the area required to be hard-surfaced may be constructed on the basis of design of separated tire tracks with natural soil, grass, or gravel between the tracks but constructed so that the tires of a parked or moving vehicle will normally remain upon the hard surface.
- (4) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parking area only and not on any adjoining properties.
- (5) Access to Spaces

Adequate access to and exit from individual parking spaces is to be provided at all times by means of unobstructed manoeuvring aisles and to the satisfaction of the Development Officer, except where otherwise indicated in this Bylaw.

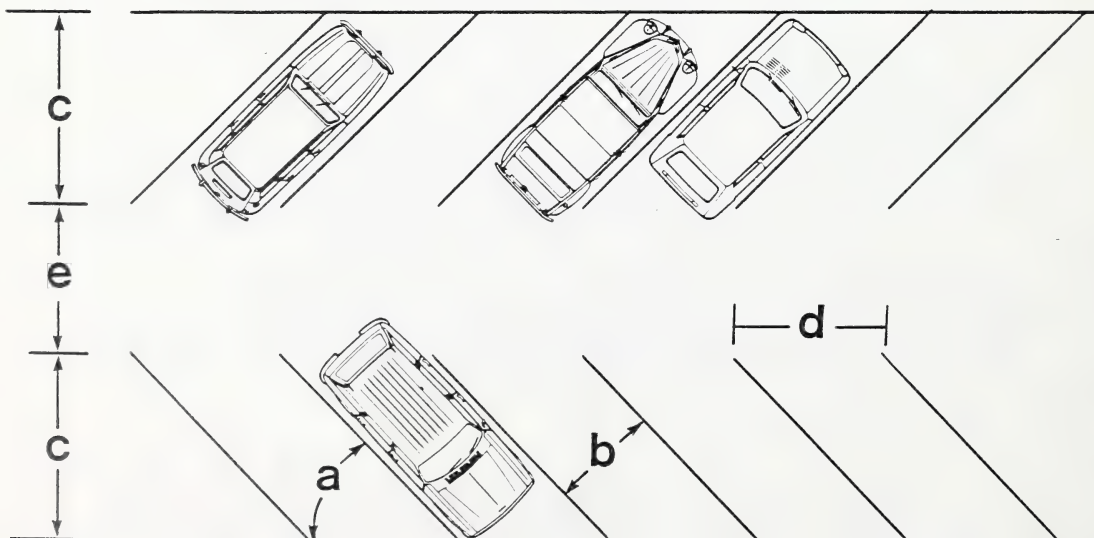
- (6) All curb crossings, entrances, and exits shall be subject to the prior approval of the Development Officer.
- (7) Where the number of parking spaces is determined by reference to a unit such as the number of seats, floor area, beds, etc., the next higher number shall be taken where the calculation results in a fractional number of parking spaces.
- (8) Where a proposed use is not listed in the districts, the off-street parking requirements shall be determined by the Development Officer or Municipal Planning Commission.
- (9) In the case of different uses or MIXED USES on the same site, off-street parking facilities shall be determined as the sum of the requirements for the uses COMPUTED SEPARATELY. Off-street parking facilities for one use shall not be considered as providing required facilities for any other use, unless otherwise approved by the Development Officer or Municipal Planning Commission.

6. MINIMUM PARKING & MANOEUVERING DESIGN STANDARDS

All parking areas shall conform to the following requirements:

(a) Parking Angle in Degrees	(b) Width of Stall in Feet	(c) Depth of Stall Perpendicular to Manoeuvring Aisle in Feet	(d) Width of Stall Parallel to Manoeuvring Aisle in Feet	(e) Width of Manoeuvring Aisle in Feet
0	8.5	8.5	22.0	One Way 11.5
30	8.5	16.0	17.0	One Way 11.5
45	8.5	18.0	11.7	One Way 11.5
60	8.5	19.0	9.3	One Way 19
90	8.5	19.0	8.5	One Way 23

(See below for illustration of column headings.)



7. OFF-STREET LOADING

When required by the DISTRICT REGULATIONS (PART TWO) of this By-law, or when required by the Development Officer, a development shall:

- (1) provide loading spaces, each having dimensions of not less than 10 feet in width, 25 feet in length, and 14 feet in height;
- (2) provide vehicular access to and from a street or land such that no backing or turning movements of vehicles going to and from the site causes interference with traffic in the abutting streets or lanes;
- (3) be sited at an elevation or elevations convenient to a major floor level in the building or to a utility serving each major floor level; and
- (4) be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross sidewalks.

3.2 SPECIAL PROVISIONS

1. CHURCHES, ASSEMBLY HALLS & PLACES OF WORSHIP

- (1) A site to be used for a church, assembly hall, or place of worship where permitted under this By-law, shall comply with the following special provisions:
 - (a) A site proposed for a church building, place of worship, or an assembly hall shall be subject to the following conditions:
 - (i) the site shall be located on a corner lot or lots or in such a way that it will not adversely affect the adjacent development. In no instances shall the church or assembly hall site be approved in the interior of the block unless at least one of the adjacent developments is other than residential;
 - (ii) the site shall be of such a size that would allow adequate parking and landscaping;
 - (iii) in the case of a manse, rectory, parsonage, or other building used for a residence related to the church, the site should be comprised of two residential single family lots or the equivalent in width and area;
 - (iv) the front, side, and rear building lines shall be those permitted within the district in which the site is located, provided the structure is less than 25 feet in height. Any structure above 25 feet in height (excluding steeple) shall have side yards in excess of 10% of the width of the lot and of such a width as will protect the privacy and the sunlight to the adjacent developments to the satisfaction of the Development Officer; and
 - (v) each church building and/or assembly hall shall be of such appearance with respect to its design, proportion, and exterior treatment as, in the opinion of the Development Officer, will not detract or clash with the general appearance of the adjacent residential area and a minimum of 20% of the total site area shall be landscaped.
- (2) Off-street parking facilities shall be provided in accordance with those requirements set out in 3.1.5 and 2.17.
- (3) In the instances where the churches or assembly halls are of a very different and outstanding design and where the aesthetic or functional qualities of the proposal could be adversely affected by strict application of the above requirements, the Council may vary the requirements providing that such exceptions will not adversely affect the adjacent developments or the general appearance and function of the district in which such churches and/or assembly halls are proposed.

2. DRIVE-IN BUSINESSES

- (1) A person applying to develop a site for a drive-in business, where permitted under this By-law, shall comply with the following special provisions:
 - (a) Site location – such site shall be located at the intersection of two or more highways, being a street or avenue, but not including a lane, provided that a site may be located between intersections where there is a service road or a centre dividing strip on the highway, if the Development Officer approves the site;
 - (b) Site area and coverage – in the case of establishments where the customer normally remains in the vehicle for service, the minimum site area shall be 10,000 sq. ft., with a minimum area of buildings to be erected thereon of 400 sq. ft.. The area of buildings permitted thereon shall not exceed 6% of the total area of any site unless otherwise approved by the Development Officer;
 - (c) Irregularly shaped parcels of land – application for a permit in respect of a drive-in intended to be developed on any irregularly shaped parcel of land shall be subject to the approval of the Development Officer;
 - (d) Curb cutting – on the property side on which traffic enters the intersection, the nearest edge of a curb cutting to an intersection of highways shall be not less than 20 feet from the nearest boundary of the intersection of the highways concerned, said distance of 20 feet to be measured along the curb lines; and on the property side on which traffic is driving away from the intersection of highways shall not be less than 5 feet from the nearest boundary of the intersection of the highways concerned, said distance of 5 feet to be measured along the curb line; provided that the prescribed minimum distances may be increased by the Development Officer where, in his opinion, it is necessary for reasons of public safety or convenience;
 - (e) Maximum width of curb cutting – the maximum width of a curb cutting shall not exceed 35 feet;
 - (f) Sides or edges of driveway approaches – the sides or edges of driveway approaches crossing sidewalks or boulevards may be constructed on an angle with the curb line, but the angle subtended between the curb and the edge of the driveway shall in no case be less than 30 degrees nor more than 60 degrees. However, when angular crossings over sidewalks are built, excessive slopes or cross falls shall be avoided for the protection of pedestrian;
 - (g) Minimum distance of adjacent curb cuttings – the minimum distance between adjacent curb cuttings on the same side of the property shall be not less than a distance of 20 feet from each other, measured at the property line;
 - (h) Driveways and parking spaces – all parts of the site to which vehicles may have access shall be hardsurfaced and drained to provide a durable dust-free surface to the satisfaction of the Development Officer;
 - (i) Drainage of site – a sufficient number of catch basins to drain the site shall be provided, to the satisfaction of the Development Officer;

- (j) Lighting – any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties;
- (k) Set-back of buildings – the front wall of a building or structure on a site shall be not less than 10 feet, measured at right angles, from the front property line of the site or such greater distance as prescribed for the district within which the building is located; and
- (l) Maintenance of site and buildings and business – the owner, tenant, operator, or person in charge of a drive-in shall at all times:
 - (i) maintain the site and the buildings, structures, and improvements thereon, in a clean, neat, tidy, and attractive condition and free from all rubbish and debris,
 - (ii) provide receptacles for the purpose of depositing therein, garbage, rubbish, and debris sufficient in number and size as may be required by the Development Officer and shall use such receptacles for such purpose,
 - (iii) be responsible for the proper, safe, and orderly operation of the business and of motor vehicles using the site, and without restricting the generality of the foregoing, shall ensure:
 - that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the site, and
 - that operators of motor vehicles enter and leave the site only at the entrances and exits provided for such purposes,
 - (iv) maintain around the boundaries of the site, other than on street frontage, an appropriate fence not less than 30 inches in height, designed so as to contain rubbish or debris, and shall landscape and keep landscaped the site.

3. HOME OCCUPATIONS

- (1) Home occupations as defined are discretionary uses subject to the following conditions:
 - (a) No person other than the occupant's immediate family shall be engaged in such occupations;
 - (b) The use shall not involve the sale or display of goods upon the premises, but goods may be stored subject to the approval of the Development Officer, provided the storage of such shall not be exposed to the public view, nor shall involve a change in the appearance of the residence or its accessory buildings;
 - (c) No variation from the external appearance and residential character of land or buildings shall be permitted;
 - (d) No advertising sign shall be permitted save as allowed by 3.8(4);
 - (e) The use shall not generate traffic problems within the district;

- (f) Except with the approval of the Development Officer, after posting the property, no commercial vehicle of a capacity of more than one-half ton shall be parked or maintained on or about the lands;
- (g) No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced by the use;
- (h) All permits shall be issued for no longer than a **12 MONTH PERIOD** at which time the permit **MAY BE RENEWED** at the discretion of the Development Officer;
- (i) The permitted use shall only be applicable for the period of time the property is occupied by the application for such permitted use;
- (j) All permits issued for home occupation shall be subject to the condition that the permit **MAY BE REVOKED** at any time if, in the opinion of the Development Officer, the use is or has become **DETRIMENTAL TO THE AMENITIES OF THE NEIGHBOURHOOD**;
- (k) Where a professional person desires to use his house for an office or a consulting room, such professional activities shall be limited to an individual practice with only that staff to be employed as is necessary to the single professional practice. This will exclude clinics, partnerships, or any other combination of individuals to the intent that such a use as will be permitted shall be a privilege to be enjoyed only by a resident of the dwelling, and only upon explicit permission of the Development Officer;
- (l) At all times, the privacy of the adjacent dwellings shall be preserved and the professional use shall not unduly offend the surrounding residents by way of excessive lighting, late calling of clients of an unreasonable number, noise, traffic congestion, etc..

4. MOTELS AND MOTOR HOTELS

- (1) A site for a motel, where permitted under this By-law, shall comply with the following special provisions.
 - (a) For the purposes of this subsection, a rentable unit means a separate unit on a motel site used or intended to be used for the temporary dwelling accommodation of one or more persons.
 - (b) The minimum site area shall be 14,000 sq. ft. The minimum site coverage shall be 150 sq. ft.
 - (c) Minimum site requirements are:
 - (i) the maximum area of each site which may be built upon shall be 30% of the site area; and
 - (ii) in the case of bed-sitting room units which are constructed in the form of terraces, or with a minimum of two units together in one building or under one roof, the total floor area of each bed-sitting room unit shall not be less than 225 sq. ft., but if a bed-sitting room unit is constructed as a separate building, the minimum floor area shall be 400 sq. ft., exclusive of any carport, garage, or parking space.

- (d) Each building to be erected on a motel site shall be set back not less than 25 ft. from the front property line of the site and not less than 10 ft. from the side and rear property lines, provided that no carport or garage shall be less than 20 ft. from any rear or side lanes, unless in the opinion of the Development Officer, any proposed distance of less than 20 ft. will not interfere with the free movement of traffic in such lanes.
 - (e) Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 12 ft. of clear and unoccupied surface space shall be provided between each rentable unit and any other building on the site.
 - (f) Each rentable unit shall face onto or abut a driveway not less than 20 ft. in width and shall have unobstructed access thereto.
- (2) A site for a motel or motor hotel where permitted under this By-law shall comply with the following special provisions.
- (a) All parts of the site to which vehicles may have access shall be hard-surfaced and drained to provide a durable dust-free surface.
 - (b) A sufficient number of catch basins to drain the site shall be provided.
 - (c) Not more than one motor vehicle entrance and one motor vehicle exit to a street, each of a minimum width of 25 ft. measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 30 ft. in width.
 - (d) The owner, tenant, operator, or person in charge of a motel shall at all times:
 - (i) maintain the site and the buildings, structures, and improvements thereon, in a clean, neat, tidy, and attractive condition and free from all rubbish and debris;
 - (ii) maintain garbage and/or incineration facilities to the satisfaction of the municipal officers concerned; and
 - (iii) maintain an appropriate fence not less than 30 in. in height around the boundaries of the site, other than on street frontage, and shall landscape and keep landscaped the site in accordance with regulations prescribed from time to time by the Development Officer.

5. SERVICE STATIONS

- (1) A site for a service station where permitted under this By-law shall comply with the following special provisions.
 - (a) Such site shall be located:
 - (i) at the intersection of two or more highways, being a street or avenue, but not including a lane, provided that the site may be located between intersections where there is a service road or a centre dividing strip on the highway, if the Development Officer approves the site; or
 - (ii) on part of a shopping centre.

- (b) Site area and coverage:
 - (i) the minimum site area shall be based on the ratio of 6 sq. ft. of open space for each 1 sq. ft. on which buildings are erected;
 - (ii) in the case of substantially rectangular sites the minimum length of property shall be 132 ft. on one side and 99 ft. on the other;
 - (iii) in the case of a service station designed and built as part of a shopping centre, the ratio of building space to parking space shall be determined by the Development Officer.
- (c) Application for a permit in respect of a service station intended to be developed on any irregularly shaped parcel of land shall be subject to the approval of the Development Officer.
- (d) Curb cutting:
 - (i) on the property side on which traffic enters the intersection, the nearest edge of a curb cutting to an intersection of highways shall be not less than 20 ft. from the nearest boundary of the intersection of the highways concerned, said distance of 20 ft. to be measured along the curb line; and on the property side of which traffic is driving away from the intersection of highways, shall not be less than 5 ft. from the nearest boundary of the intersection of the highways concerned, said distance of 5 ft. to be measured along the curb line; provided that the prescribed minimum distances may be increased by the Development Officer, where, in his opinion, it is necessary for reasons of public safety or convenience;
- (e) The maximum width of a curb cutting shall not exceed 35 ft.
- (f) The side or edges of driveway approaches crossing sidewalks or boulevards may be constructed on an angle with the curb line, but the angle subtended between the curb and the edge of driveway shall in no case be less than 30 degrees nor more than 60 degrees. However, when angular crossings over sidewalks are built, excessive slopes or cross-falls shall be avoided for the protection of pedestrians.
- (g) The minimum distance between adjacent curb cuttings on the same side of the property shall be not less than a distance of 20 ft. from each other, measured at the property line, provided that the Development Officer may increase said minimum clear distance in any case where, because of width of adjacent sidewalks or boulevards or traffic conditions, in his opinion such increase is necessary for reasons of public safety or convenience.
- (h) All parts of the site to which vehicles may have access shall be hard surfaced and drained to provide a durable dust-free surface.
- (i) A sufficient number of catch basins to drain the site shall be provided.
- (j) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties.

- (k) The owner, tenant, operator, or person in charge of a service station shall at all times:
 - (i) be prohibited from the conducting of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available on an authorized service station for storage), or of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or an annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odor, smoke, or vibration;
 - (ii) be responsible for the proper, safe, and orderly operation thereof, and of motor vehicles using said service station or being repaired or serviced thereat, and without restricting the generality of the foregoing shall ensure:
 - that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service station, and
 - that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes; and
 - (iii) maintain around the boundaries of the site, other than on street frontage, an appropriate fence not less than 30 in. in height and shall landscape and keep landscaped the site.

6. CAR WASHING ESTABLISHMENTS

A person applying to develop a car washing establishment under this By-law shall comply with the following special provisions:

(1) Site location

Such site shall be located:

- (a) At the intersection of two or more highways, being a street or avenue, but not including a lane, provided that a site may be located between intersections where there is a service road or a centre dividing strip on the highway. If located at an intersection, the site and access to it must be at the entrance of the intersection, ie. on the right hand side of the street before entering an intersection so that ingress and egress will not create congestion of the intersection;
- (b) As part of a shopping centre if the Development Officer is satisfied that the development will adversely affect neither adjoining land uses nor the function of the shopping centre in relation to traffic circulation around streets adjacent to the shopping centre.

(2) Site Area

The minimum site area shall be 15,000 sq. ft. and provide parking space for not less than 24 vehicles waiting to be cleaned or just exiting the car wash facility.

(3) Maintenance of Site

The owner, tenant, operator, or person in charge of a car washing establishment shall at all times:

- (a) Maintain the site and the buildings, structures, and improvements thereon, in a clean, neat, tidy, and attractive condition and free from all rubbish and debris;
- (b) Be responsible for the proper, safe, and orderly operation of the business and of motor vehicles using the site, and without restricting the generality of the foregoing, shall ensure:
 - (i) that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the site, and
 - (ii) that operators of motor vehicles enter and leave the site only at the entrances and exits provided for such purposes and not elsewhere;
- (c) Maintain around the boundaries of the site an appropriate fence of not less than 30 in. in height.

7. SATELLITE DISH ANTENNAE

- (1) A satellite dish antenna shall not be located in that part of a yard abutting a street, except in areas designated in the Land District Map of this By-law as IG, and IR.
- (2) In residential districts, no part of the antenna shall be more than 10 feet above grade level.
- (3) In commercial districts, where any part of the antenna is less than 40 feet above grade level, it shall be both screened and located to the satisfaction of the Development Officer.
- (4) Subsections 3.7(1), 3.7(2), and 3.7(3) shall not apply where the applicant can show, to the satisfaction of the Development Officer, that compliance with these sections would prevent signal reception.
- (5) Except in industrial districts, no advertising shall be allowed on a satellite antenna, nor shall the antenna be illuminated.

8. SIGNS

(1) Purpose of Regulation

Regulations providing standards for outdoor commercial advertising in the interest of amenity and traffic safety and having consideration to the number, size, and location of advertisements insofar as they are likely to affect:

- (a) the appearance and character of any building or locality frequented by the public; and
- (b) the concentration of the motoring public and its ability to define authorized traffic signs.

(2) Definitions:

ADVERTISEMENT means any word, letter, model, picture, symbol, device, or representation, whether illuminated or not, in the nature of the employed wholly or in part for the purposes of advertisement, announcement, or direction.

SIGN means any device, erection, or structure used for the display of advertisements, and without in any way, restricting the generality of the foregoing, includes posters, notices, panels, boardings, and banners.

AREA OF A SIGN means the total superficial area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols.

BILLBOARD means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.

BUSINESS FRONTAGE means:

- (a) any side of a separate property or building which abuts a road; or
- (b) in the case of individual businesses or tenants within a building, that portion of the frontage, as defined above, occupied by such individual businesses or tenants.

FASCIA SIGN means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building.

FREE-STANDING SIGN means a sign, excepting billboards, on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure and which is located on the premises or lot of the product/service advertised.

IDENTIFICATION SIGN means a free-standing sign carrying point-of-sale advertising matter.

MARQUEE OR CANOPY SIGN – for the purposes of these regulations:

- (a) a marquee or canopy means a roof projection outward from the face of a building constructed as an integral part of the building, primarily designed to provide protection from climatic elements;
- (b) a marquee or canopy sign means a sign attached to a marquee or canopy.

MERCHANDISING AID means a device for the display and/or sale of merchandise and related advertising material.

POINT-OF-SALE ADVERTISING means material which relates to the name of the occupier or firm, the nature of the business conducted and/or goods produced and/or the main products sold on the premises to which an advertisement is attached.

PORTABLE SIGNS regulated by Town of Westlock Regulation and Control of Advertising in Public Places Bylaw No. 12-85 and amendment 5-86.

PROJECTING SIGN means a sign which is attached to a building or structure so that part of the sign projects more than one foot from the face of the building or structure.

ROOF SIGN – for the purposes of these regulations:

- (a) “roof” means the top enclosure, above, or within the vertical walls of a building;
- (b) “roof sign” means any sign placed on or over a roof.

SKY SIGN means a roof sign comprising of individual letters or symbols on an open framework.

(3) Exemptions

The following shall be exempted from the provisions of these regulations:

- (a) on enclosed land where they are not readily visible to the public;
- (b) within a building;
- (c) in or on an operational vehicle;
- (d) on door plates, door bars, or kick plates.

(4) Permitted Development

Advertisements specified in this Section are deemed permitted and may be erected without application being made for a development permit, provided that the permission hereby granted in respect of any such advertisements specified below shall be subject to all other orders, bylaws, and regulations affecting such advertisements:

- (a) Statutory and official notices and functional advertisements of local authorities and public transport undertakers;
- (b) Traffic and directional signs authorized by the Council;
- (c) Notices of identification in respect of the land or buildings on which they are displayed, and professional business and trade name plates relating to the occupants of the land or buildings on which they are displayed, provided that:
 - (i) each notice or name plate shall not exceed 2 sq. ft. in area;
 - (ii) there shall be a limit of one notice for each occupant or each firm or company represented within the building, at one entrance on each different street;
- (d) Notices relating to the sale, lease, or rental of the building, or land to which they are attached, provided that:
 - (i) the notices shall not be illuminated;
 - (ii) each notice shall not exceed 4 sq. ft. in area;
 - (iii) there shall be a limit of one notice for each side of the land or buildings on a different street;
- (e) Posters relating specifically to a pending election, provided that such posters shall be removed within fourteen days after the election;

- (f) Notices on land or buildings used for religious, educational, cultural, recreational, medical, or similar public or quasi-public purposes, and related to the use or occupants of the land or buildings on which they are displayed, provided that:
 - (i) each notice shall not exceed 12 sq. ft. in area;
 - (ii) there shall be a limit of one notice for each side of the land or buildings on a different street;
- (g) Advertisements of building contractors relating to constructional work in progress on the land on which such advertisements are erected, provided that:
 - (i) such advertisements shall be removed within fourteen days of occupancy;
 - (ii) such advertisements shall be limited in size to a maximum of 65 sq. ft., and in number to one advertisement for each boundary of the property under construction which fronts onto a public street; and
- (h) Temporary advertisements referring to sales which are displayed upon the premises upon or within which such sales will be or are being conducted, provided that:
 - (i) the advertisements shall not be illuminated and shall be constructed of paper, canvas, cardboard, or other light materials or painted on glass and intended to be displayed for a short period of time only;
 - (ii) such advertisements shall not be erected more than seven days before the commencement of the sale to which they refer, and shall be removed within eight days of the completion of the said sale.

(5) Details of Application

- (a) A permit under the authority of the Building By-law shall not be issued until the applicant for such a permit has first submitted proof that:
 - (i) the erection of such a sign is a permitted development under the terms of these regulations; and
 - (ii) that the erection of such a sign is covered by a valid development permit.
- (b) Applications for a development permit shall be made to the Development Officer.
 - (i) The application shall be:
 - made out on the official form provided by the Development Officer,
 - supported by two copies of drawings drawn to scale (In the case of a building, the scale shall not be smaller than 1/8 in. = 1 ft. In the case of a plot plan, the scale shall not be smaller than 1 in. = 30 ft.);

- (ii) The drawings shall indicate:
 - the location of the sign by elevation drawing or plot plan;
 - the overall dimensions of the sign;
 - size of the letter or letters;
 - the amount of projection from the face of the building;
 - the amount of projection over public property;
 - the height of the sign above a public street or sidewalk or the height above the average ground level at the face of the building;
 - manner of illuminating the sign and any form of animated or intermittent lights that may be embodied in the construction;
 - the least distance that the sign will be erected from an intersection of one street with another; also, the least distance from any device for the control of traffic at such an intersection.
- (c) No person shall perform any work of erection or of placing a sign differing from or enlarging the work for which a development permit has been issued. If during the progress of the work the applicant desires to deviate in any way from the terms of the original approved development permit he shall notify the Development Officer and submit amended drawings and, if necessary, shall make application for approval of the plans as amended.
- (d) A development permit shall not be required to clean, repair, or repaint any sign.

(6) General Provisions

- (a) All proposed signs, with the exceptions provided for in subsections (3) and (4), shall require a building permit and shall be authorized by the Development Officer prior to any building permit being issued.
- (b)
 - (i) with the exception of special provisions relating to billboards, ALL SIGNS SHALL BE RELATED TO POINT-OF-SALE ADVERTISING as defined;
 - (ii) no advertisement shall be permitted which is attached to a fence, pole, tree, or any object in a public street or place;
 - (iii) no advertisement shall be permitted which is attached to or standing on the ground in any public street or place;
 - (iv) no advertisement shall be erected so as to obstruct free and clear vision of vehicular traffic or any location where it may interfere with, or be confused with, any authorized traffic sign, signal, or device.
- (c) Illumination of signs and billboards will be considered by the Development Officer according to the merits of each individual application. A permit may be granted, provided that:
 - (i) the advertisement conforms to all other regulations in this By-law;
 - (ii) any flasher, animator, or revolving beacon will not be visible from any residential property within a distance of 300 ft.;
 - (iii) any illumination will not cause confusion or interference with traffic signal lights and will not create a hazard to traffic on any street or highway.

- (d) Where, in the opinion of the Development Officer, it can be shown that a sign or signs which exceed in aggregate the maximum areas permitted by these Regulations, will not detract from the appearance of the building or neighbourhood nor interfere with the use of neighbourhood buildings or with other approved signs, then the Development Officer may approve such sign or signs where they otherwise are in conformity with the requirements of those regulations and shall declare their reasons for approving or refusing the sign.

(7) Fascia Signs

In the areas defined on the Land Use District Map of this By-law as C-1, C-2, C-3, C-4, IR, and IG:

- (a) Fascia signs shall be erected so that they:
 - (i) do not project more than 36 in. above the top of the vertical face of the wall to which they are attached,
 - (ii) do not exceed in area the equivalent of 25% of the surficial area of the wall comprising the business frontage, and
 - (iii) are located on a business frontage;
- (b) No painted wall signs shall be allowed on a flank or gable wall which is not a business frontage;
- (c) Fascia signs, other than painted wall signs, on a flank or gable wall which is not a business frontage, shall be considered by the Development Officer according to the merits of the individual application.

(8) Marquee and Canopy and Roof Signs

- (a) Marquee and canopy signs shall be considered as fascia signs according to the provisions of subsection (7), provided that:
 - (i) they shall be attached to the edge of the marquee or canopy;
 - (ii) no additional supporting wires or stays shall be attached to the canopy or wall;
 - (iii) no portion of the sign shall project below the bottom edge, or more than 36 in. above the top edge of the marquee or canopy;
 - (iv) a sign not exceeding 1 ft. X 4 ft. in outside dimensions may be suspended below a marquee or canopy provided no part of the sign shall be closer than 8 ft. to the ground or sidewalk.
- (b) Roof signs shall be considered as fascia signs according to the provisions of subsection (7), where the following conditions are met:
 - (i) the sign shall be attached to the front edge of the roof;
 - (ii) no additional supporting wires or stays shall be attached to the roof;
 - (iii) no portion of a sign shall project more than 36 in. above the roof.

(9) Projecting Signs

- (a) In the areas defined on the Land Use District Map of this By-law as C-1, C-3, and C-3, a projecting sign shall be permitted with the approval of the Development Officer provided that:
- (i) for any building located less than 20 ft. from the property line, not more than one projecting sign 25 sq. ft. or less in area may be erected,
 - (ii) no part of the sign shall:
 - extend more than 6 ft. above the parapet of the building
 - extend more than 6 ft. from the face of the building
 - be less than 10 ft. above ground or sidewalk grade.
- (b) In the areas defined on the Land Use District Map in this By-law as C-2, IR, and IG projecting signs shall be erected so that:
- (i) no part of the sign shall be less than 10 ft. above the ground or sidewalk grade,
 - (ii) no part of the sign shall project more than 8 ft. over public property, or come within 2 ft. of the curb or edge of a roadway,
 - (iii) no part of the sign shall project more than 36 in. above the top of the vertical face of the wall to which it is attached,
 - (iv) the space between the sign and supporting wall shall not be more than 2 ft.,
 - (v) there shall be only one projecting sign for each business frontage, provided that, if a business frontage shall exceed 50 ft., a further projecting sign be permitted for each additional 50 ft. or portion thereof,
 - (vi) the permitted area of the sign shall be related to the amount of projection from the face of the building, as follows:

Amount of Projection:

8'	7'	6'	5'	4'	3'	or less
Maximum Area of Sign:						
25	28	35	48	60	75	sq. ft.

The area of the sign shall be computed exclusive of supports and structural members provided that such supports and structural members are free of advertising and are so constructed that they do not form part of the advertisement;

- (vii) Support shall not be provided by an "A" frame.

(10) Free-Standing Signs

- (a) In areas defined on the Land Use District Map in this By-law as C-1, C-2, C-3, and C-4, and IR and IG the free-standing identification signs shall be erected so that:
- (i) no part of the sign shall be less than 10 ft. or more than 30 ft. (23 ft. in C-4 District) above ground or sidewalk grade;
 - (ii) no part of the sign shall project more than 2 ft. beyond the property line;

- (iii) the area of the sign shall not exceed 90 sq. ft. for the first 50 ft. of lineal frontage plus 1 sq. ft. for each additional lineal foot of frontage to a maximum of 150 sq. ft. (maximum size of 50 sq. ft. in C4 District). The area of the sign shall be computed exclusive of pylons, supports, and structural members provided that such pylons, supports, and structural members are free of advertising and are so constructed that they do not form part of the advertisement;
- (iv) there shall be not more than one free-standing sign for each business frontage.

(11) Billboards

- (a) Billboards may only be erected in areas defined in the Land Use District Map in this By-law as C-3, IG, IR, and UR.
- (b) Each application approved shall be subject to the conditions that:
 - (i) the structure shall not exceed 20 ft. in height nor 50 ft. in length, nor shall it have a lower clearance of less than 10 ft. (in C3, IR, and IG Districts only);
 - (ii) on corner lots the structure shall be setback from the corner 50 ft. and shall have 10 ft. clearance below the sign;
 - (iii) the vertical posts supporting the structure shall not project above the upper edge of the boardings;
 - (iv) any additional bracing shall be contained between the front and rear faces of the vertical supports;
 - (v) the rear of any billboard which is plainly visible from a public thoroughfare shall be covered with wooden slats or trellis fixed against the rear face of the vertical supports and painted;
 - (vi) no part of the structure shall project within 5 ft. of public property;
 - (vii) no billboard shall be erected less than 200 ft. from any existing billboard; and
 - (viii) the structure shall at all times be kept in good order and repair.

(12) Illuminated Roof and Sky Signs

- (a) Illuminated roof and sky signs in commercial and industrial areas shall be considered by the Development Officer according to the merits of each individual application, provided that:
 - (i) the sign shall be attached to a flat roof on a building more than 35 ft. high;
 - (ii) the Development Officer shall be satisfied that the purpose of the sign cannot be achieved by another type of sign;
 - (iii) no part of the sign shall be less than 4 ft. or more than 15 ft. above the level of the roof;
 - (iv) the sign shall refer to the business conducted in the building on which it is erected;
 - (v) where, in the opinion of the Development Officer, it can be shown that a roof sign not conforming with subsections (i) and (iii) will not detract from the appearance of the building or neighbourhood nor interfere with the use of neighbouring buildings nor with other approved signs, then the Development Officer may approve such a sign or signs where they otherwise are in conformity with these regulations.

(13) Variance

Where there are exceptional circumstances or conditions applicable to a particular property to the extent that practical difficulties, or results inconsistent with the general purposes of these regulations, may result from their strict and literal interpretation and enforcement, variance shall be considered by the Development Officer according to the merits in each case.

9. SWIMMING POOLS

Private outdoor above and below ground swimming pools shall conform with the following requirements.

- (1) The entire area of the outdoor pool shall be protected by a fence, building, wall, or enclosure that can prevent access by unauthorized persons, and its height above the outside ground level shall be not less than 6 feet.
- (2) Openings for access through the fence or enclosure around a swimming pool shall be protected by a gate that is:
 - (a) the same height as the fence or enclosure;
 - (b) equipped with a self-closing device; and
 - (c) equipped with a self-latching device on the inside of the gate located not less than 5 ft. above the ground level.
- (3) The area around the swimming pool (above ground only) shall be sloped to channel drainage either to the lane or street and away from adjacent properties. Permission from the Town Water Department shall be obtained prior to draining pools into the sanitary sewer.

Part Four
DEVELOPMENT PERMITS, RULES,
PROCEDURES, AGENCIES AND APPEALS



PART FOUR

DEVELOPMENT PERMITS, RULES, PROCEDURES, AGENCIES, AND APPEALS

4.1 DEVELOPMENTS REQUIRING A DEVELOPMENT PERMIT

1. Except as otherwise provided for in Section 4.2, **NO DEVELOPMENT** shall be started or allowed to continue in the municipality, unless a development application for it has been approved and a **DEVELOPMENT PERMIT ISSUED**.
2. A development permit shall not be valid unless it conforms with the Land Use By-law and the Act.
3. A **BUILDING PERMIT** shall not be valid unless a development permit has been previously issued, where such a development permit is required.

4.2 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

1. No approval pursuant to this By-law is required for any development described in the following subsections unless the undertaking of such development would be in breach of or constitute a variation of any condition imposed by any permit which may have been granted respecting the building or site involved and provided that any such development shall be in accordance with the provisions of this By-law.
2. The following developments shall NOT REQUIRE A DEVELOPMENT PERMIT:
 - (1) The carrying out of works of maintenance or repair to any building, if such works do not include structural alterations.
 - (2) The use of any building or land attached to or used in conjunction with a dwelling for any purpose incidental to the enjoyment of the dwelling as such.
 - (3) The completion of a building which is lawfully under construction at the date of approval of this By-law, provided that:
 - (a) the building is completed in accordance with the terms of the permit granted by the Council or any board in respect of it, and subject to the conditions to which that permit was granted; and
 - (b) the building, whether or not a permit was granted in respect of it, is completed within a period of 12 MONTHS from the date of approval of this By-law;
 - (4) The use of any building referred to in subsection (3) above for the purpose for which construction was commenced.
 - (5) The construction of private driveways in residential districts.

- (6) The erection or construction of gates, fences, walls, or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 6 feet in height, and the maintenance, improvement, or other alterations of any gates, fences, walls, or other means of enclosure.
- (7) The erection or construction of buildings, works, plants, or machinery needed in connection with operations for which a development permit has been issued, for the period of those operations.
- (8) The maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, territorial, municipal, or public authorities on land which is publicly owned or controlled.
- (9) The extension, alteration, or repair of industrial buildings where the original buildings have been constructed under a development permit if:
 - (a) any extension does not increase the cubic content of the building by more than one-tenth;
 - (b) only one such extension is made regarding each permit; and
 - (c) the extension does not violate any conditions of the permit or any provision of this By-law.
- (10) The construction or erection of ACCESSORY BUILDINGS in Residential Districts provided the accessory buildings are:
 - (a) less than 100 sq. ft. in gross floor area;
 - (b) set back a minimum of 10 ft. from the principal building on lots 115 ft. or longer; 8 ft. on lots less than 115 ft. in length;
 - (c) set back a minimum of 3 ft. from the property line, or at the discretion of the Development Officer, a lesser setback provided the applicant submits written authorization to the owner to do so from the adjacent property;
 - (d) set back a minimum of 6 ft. from other accessory buildings;
 - (e) anchored into the ground, if of metal construction.
- (11) The erection of satellite dish antenna provided the antenna is:
 - (a) located in an industrial district;
 - (b) not located in a yard abutting a street in a residential, commercial, or urban reserve district;
 - (c) less than 10 ft. in height above grade in a residential district or commercial district.

4.3 NON-CONFORMING BUILDINGS AND USES

1. The construction of non-conforming buildings for which all required permits have been issued prior to the approval of this By-law must be commenced within 12 months after the date of the issue of the last permit relating thereto.
2. A non-conforming use of buildings or land may be continued but if that use is DISCONTINUED FOR A PERIOD OF SIX MONTHS OR MORE, the future use shall conform to the provisions of this By-law.
3. A non-conforming use of a building may be extended throughout the building but no structural alterations, except those required by statute or by-law, shall be made in the building while the non-conforming use is continued.
4. Use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings or structures shall be erected upon the lot while the non-conforming use continues.
5. A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt, or structurally altered, except:
 - (1) as may be necessary to make it a conforming building, or
 - (2) as the Development Officer considers necessary for the routine maintenance of the building.
6. A NON-CONFORMING BUILDING DAMAGED OR DESTROYED TO THE EXTENT OF 75 PERCENT or more of the value of the building above its foundation, the building SHALL NOT BE REBUILT OR REPAIRED EXCEPT IN CONFORMITY WITH THIS BY-LAW.
7. A CHANGE OF TENANTS OR OCCUPANTS OR OWNERSHIP of any land or building shall not be deemed to affect the use of the land or building.

4.4 COMPLIANCE WITH OTHER LEGISLATION

Compliance with the requirements of this By-law does not exempt any person from:

1. the requirements of any federal, provincial, or municipal legislation;
2. complying with any easement, covenant, agreement, or contract affecting the developer.

4.5 DEVELOPMENT PERMIT APPLICATION PROCEDURE

1. APPLYING FOR A DEVELOPMENT PERMIT

(1) Plans and Information Required

Applications for development permits shall be made to the Development Officer in writing on FORM A and shall be accompanied by:

- (a) a site plan in duplicate at a scale satisfactory to the Development Officer showing the legal description and the front, rear, and side yards if any, any provision for off-street vehicle loading and parking and access and egress points to the site;
- (b) scale of plan and north arrow;
- (c) floor plans, elevations, and sections in duplicate;
- (d) statement of existing and proposed uses;
- (e) statement of ownership of land and interest of the applicant therein;
- (f) location and distances to property lines of all buildings, structures, utility poles, fences, retaining walls, trees, landscaping, etc.;
- (g) location of sidewalks and curbs;
- (h) existing and proposed utilities shown in streets, avenues, and lanes;
- (i) all easements shown and labelled;
- (j) description of exterior finishing materials;
- (k) estimated commencement and completion dates;
- (l) estimated cost of the project or contract price; and
- (m) A FEE OF TEN DOLLARS (\$10.00) PER RESIDENTIAL UNIT AND \$15 FOR ALL OTHER DEVELOPMENT APPLICATIONS, or in accordance with Council resolution or by-law.

2. NON-COMPLIANCE WITH INFORMATION REQUIREMENTS

A Development Officer may refuse to accept a development permit application where the information required by Section 4.5.1(1) has not been supplied, or where, in his opinion, it is inaccurate or of inadequate quality to properly evaluate the application.

3. WAIVER OF INFORMATION REQUIREMENTS

The Development Officer may decide on a development permit application without all the information required by Section 4.5.1(1), if he is of the opinion that a decision can be properly made without such information.

4.6 DECISIONS ON DEVELOPMENT PERMITS

1. DEVELOPMENT OFFICER AUTHORITY & ROLE

- (1) The office of Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- (2) The Development Officer shall administer this By-law and decide on all development permit applications (see PART FIVE).
- (3) The Development Officer shall keep and maintain for the inspection of the public during office hours, a copy of this By-law and all amendments thereto, and ensure that copies of same are available to the public at a reasonable charge.
- (4) The Development Officer shall make available for inspection by the public during office hours, a register of all applications for development permits and the decisions made therein.
- (5) The Development Officer shall receive and consider ALL applications for a development permit, and provide REASONS for those applications on which he renders a decision.
- (6) The Development Officer shall collect fees according to a scale to be established by resolution of Council.
- (7) In making a decision, the Development Officer may:
 - (a) APPROVE the application unconditionally;
 - (b) IMPOSE CONDITIONS considered appropriate, permanently, or for a limited period of time;
 - (c) REFUSE the application;
 - (d) REFER the application to the Commission;
 - (e) REFER the application to any to any municipal officer for comment.

2. DEVELOPMENT OFFICER DECISIONS

In applications for development, the Development Officer SHALL in conformance with the General Municipal Plan and this By-law:

- (1) ISSUE an UNCONDITIONAL development permit for PERMITTED USES when the application otherwise CONFORMS with this By-law.
- (2) ISSUE a CONDITIONAL development permit for PERMITTED USES when the applications DO NOT OTHERWISE CONFORM with this By-law, IF the Development can be REASONABLY MADE TO CONFORM BY MEETING THE SPECIFIED CONDITIONS;
- (3) REFER to the Commission any application which constitutes a PERMITTED USE, if in his opinion, utility services are not readily available to the land or the proposed development will detract from the character or appearance of the general development in the area, notwithstanding the provision of subsection 2(1) and 2(2);

- (4) REFER to the Commission, together with any recommendations he may wish to make, all applications for DISCRETIONARY USES, or USES in his judgement are SIMILAR in character and purpose to other permitted and discretionary uses, or USES NOT SPECIFIED in the list of permitted and discretionary uses;
- (5) REFER to the Commission any application for development which, in his opinion, is not within the intent of this By-law or which, in his opinion, FALLS OUTSIDE THE POWERS delegated to him by this By-law;
- (6) REFER, at his discretion, any application for development of permitted or discretionary uses to any municipal officer department for comment; and
- (7) REFUSE all OTHER applications.

3. MUNICIPAL PLANNING COMMISSION AUTHORITY & ROLE

- (1) The Municipal Planning Commission is established by By-law 71-12A and amended by 78-8B, and is given the authority to decide on development applications referred to it by the Development Officer.
- (2) In making a decision the Commission SHALL, in accordance with this By-law and the General Municipal Plan:
 - (a) APPROVE the application UNCONDITIONALLY;
 - (b) APPROVE the application WITH CONDITIONS considered appropriate, permanently, or for a limited period of time; or
 - (c) REFUSE the application,
 and provide written REASONS for doing so.
- (3) Before the Commission gives consideration to any application for a discretionary use, and at its discretion any permitted use, it shall:
 - (a) provide a NOTICE to be POSTED by the APPLICANT beside the water shut off valve on the site of the proposed development not less than five (5) days prior to the date of consideration of such an application and shall require the applicant to ensure that the notice remains plainly visible until the above date
- (4) When considering applications for the Commission shall afford an opportunity to any person affected by the proposed development to make representations on the application and shall take into account any such representations made when giving final consideration to the said application.

4. MUNICIPAL PLANNING COMMISSION DECISIONS

- (1) The Commission may limit the period of time that a discretionary use may be allowed and establish conditions under which it shall be terminated or discontinued.
- (2) Where, in the opinion of the Commission, a proposed use is of a temporary nature, the Development Officer may be directed by the Commission to issue a temporary development permit valid for a period not exceeding one year. It shall be a condition of every temporary development permit that the Town shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Commission may require the developers to post a bond or cash in lieu, or letter of credit guaranteeing the cessation or removal.
- (3) The erection of a building on any site may be prohibited where it would otherwise be permitted when, in the opinion of the Commission, satisfactory arrangements have not been made for the supply to such building of water, electric power, sewage, off-street parking, street access, or other services or facilities or any of them, including the payment of the costs of installing any such service or facility.
- (4) The Commission may refuse or approve with conditions any development which would otherwise be permitted, if in the opinion of the Commission, the proposed development will detract from the character or appearance of the general development in the area.
- (5) Where any use is proposed which is not specifically shown in any district, but is, in the opinion of the Commission, similar in character and purpose to other uses of land and buildings permitted by the By-law in the district in which such use is proposed, the Commission may, if requested by the Development Office, rule that the proposed use is either a permitted or discretionary use in the district in which such use is proposed.
- (6) Where a proposed development doesn't comply with this Bylaw in the opinion of the Municipal Planning Commission, and the proposed development would not:
 - (a) unduly interfere with the amenities of the neighbourhood;
 - (b) materially interfere with or affect the use, enjoyment, or value of neighbouring properties; AND
 - (c) conflict with the USE prescribed for that land or building in the Land Use By-law,

the Municipal Planning Commission MAY issue a development permit for that development.

5. DEVELOPMENT AGREEMENT AND LEVIES

- (1) The Development Officer MAY, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of utilities, and vehicular and pedestrian access, off-street parking, or any one of them, including payment of costs of installing or constructing any such utility or facility by the applicant.
- (2) Council or the Development Officer MAY, as a condition of issuing a development permit, require that an applicant enter into a DEVELOPMENT AGREEMENT, or an interim agreement which shall be attached to and form part of such development permit, to do all or any of the following under the Planning Act, Sections 75, 76, and 77:
 - (a) construct, install, or pay for the construction of public roadways, pedestrian walkways, utilities, off-street parking facilities, and loading and unloading facilities necessary to serve the development;
 - (b) to PAY an OFF-SITE LEVY OR REDEVELOPMENT LEVY imposed by By-law.

6. DEEMED REFUSALS

If a decision on a development permit application is not made by the Development Officer or Commission within **40 DAYS** after the receipt of a completed application by the Development Officer, the application may be **DEEMED REFUSED** and persons claiming to be affected may appeal in writing to the DEVELOPMENT APPEAL BOARD (see Section 4.7).

7. REAPPLICATION INTERVAL

Where a development permit application has been refused by the Development Officer or Commission and no appeal is requested within **40 DAYS** of the decision, or where the Development Appeal Board has refused the appeal, submission of another application for a development permit on the same property for the same or similar use of the land or buildings by the same or any other applicant may not be accepted by the Development Officer for at least **6 MONTHS** after the date of the previous refusal.

8. NOTIFICATION

- (1) A decision (FORM B – see PART FIVE) of the Development Officer or Commission on an application for a development permit SHALL:
 - (a) be in WRITING and a copy immediately mailed or delivered to the applicant and all persons who made representations on the application to the Commission.
 - (b) contain REASONS for the approval, conditional approval, or refusal.

- (2) After a decision has been made by the Development Officer, Commission, or Development Officer has been made to approve or conditionally approve an application, the Development Officer SHALL:
 - (a) ISSUE A DEVELOPMENT PERMIT (FORM C – see PART FIVE) dated in accordance with the next newspaper publication date;
 - (b) Immediately PUBLISH A NOTICE in a NEWSPAPER circulating in the municipality stating the location of the property (legal description and street and property address) for which the application has been made and the use approved; and
 - (c) inform ADJACENT PROPERTY owners in WRITING

9. COMMENCEMENT OF DEVELOPMENT

- (1) A permit (FORM C) granted pursuant to this PART does not come into effect until **15 DAYS** after the date an order, decision, or development permit is PUBLICIZED as described in Section 4.6.8. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Section 4.7 of this By-law, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (3) If the development authorized by a permit is not commenced within **12 MONTHS** from the date of its issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has been granted prior to expiry by the Development Officer.
- (4) A development permit issued for any proposed development, which also requires approval under the BUILDING BY-LAW of the Town of Westlock, shall be invalid for building purposes unless and until a valid BUILDING PERMIT is obtained under the terms of the Building By-law. The requisite development permit shall be presented to the Building Inspector when application is made under that By-law for a building permit.

4.7 APPEALING A DECISION

1. RIGHT OF APPEAL

- (1) An appeal may be made to the DEVELOPMENT APPEAL BOARD by the applicant or person affected by an order (c) where a Development Officer:
 - (a) refuses or fails to issue a development permit to a person within **40 DAYS** of receipt of the application;
 - (b) issues a development permit subject to conditions;
 - (c) issues an order under PART FIVE, Section 5.1.2 of this By-law.
- (2) An appeal to the Development Appeal Board may also be requested by a PERSON AFFECTED by an order, decision, or development permit made or issued by a Development Officer.

2. APPEAL PROCESS

- (1) Within **30 DAYS** of receipt of a notice of appeal, the Board shall hold a **PUBLIC HEARING** respecting the appeal.
- (2) The Development Appeal Board shall give at least **5 DAYS** notice (FORM F – see PART FIVE) in writing to the public hearing to:
 - (a) the appellant;
 - (b) the Development Officer from whose order, decision, or development permit the appeal is made;
 - (c) the Municipal Planning Commission of the municipality, if it is not the Development Officer;
 - (d) those adjacent landowners in the municipality who were notified under Section 4.6.8 and any other person who, in the opinion of the Development Appeal Board, is affected by the order, decision, or permit; and
 - (e) such other persons as the Development Appeal Board specifies.
- (3) The Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal, and the appeal therefrom; or
 - (b) the order of the Development Officer under Section 5.1.2 as the case may be.

- (4) At the public hearing referred to in Subsection (1), the Board shall hear:
- (a) the appellant or any person acting on his behalf;
 - (b) the Development Officer from whose order, decision, or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision, or permit and that the Development Appeal Board agrees to hear or a person acting on his behalf.

3. DEVELOPMENT APPEAL BOARD DECISIONS

- (1) The Development Appeal Board shall give its decision (FORM F – see PART FIVE) in writing together **WITH REASONS** for the decision within **15 DAYS** of the conclusion of the hearing.
- (2) In determining an appeal, the Development Appeal Board:
- (a) **SHALL** comply with any statutory plan and subject to clause (c), this By-law and any land use regulations in effect;
 - (b) **MAY** confirm, revoke, or vary the order, decision, or development permit, or any condition attached to any of them or make or substitute an order, decision, or permit of its own;
 - (c) **MAY** make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with this By-law, **IF**, in its opinion:
 - (i) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with, or affect the use, enjoyment, or value of neighbouring properties; **AND**
 - (ii) the proposed development **CONFORMS WITH THE USE** prescribed for that land or building in this By-law.
- (3) A decision made under this Part of the By-law is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 152 of the Planning Act. An application for leave to appeal to the Alberta Court of Appeal shall be made:
- (a) to a judge of the Court of Appeal; and
 - (b) within **30 DAYS** after the issue of the order, decision, permit, or approval sought to be appealed.

Part Five

ENFORCEMENT AND ADMINISTRATION



PART FIVE ENFORCEMENT AND ADMINISTRATION

5.1 CONTRAVENTION

1. REVOCATION, SUSPENSION OR MODIFICATION OF A DEVELOPMENT PERMIT

If, when receiving a report from the Development Officer, or it appears to the Council that a development permit has been obtained by fraud or misrepresentation or that a development for which a development permit has been issued is not being carried out or completed to the extent or in the manner originally approved, the Council may by resolution suspend, revoke, or modify the development permit.

2. DEVELOPMENT OFFICER AUTHORITY

- (1) Where a Development Officer finds that a development or use or buildings is not in accordance with:

- (a) the Planning Act or the regulations; or
- (b) a development permit or subdivision approval; or
- (c) the Land Use By-law;

the Development Officer may, by written NOTICE OF CONTRAVENTION (FORM G), and/or written STOP ORDER NOTICE (FORM H) (see PART FIVE), notify or order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:

- (d) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
 - (e) demolish, remove, or replace the development; or
 - (f) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Planning Act, the regulations, a development permit, subdivision approval, or this By-law as the case may be; or
 - (g) suspend or revoke a development permit.
- (2) Where a person fails or refuses to comply with an order directed to him under Subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, the Council, or a person appointed by it may, in accordance with Sections 43 and 82 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

3. APPEAL

A person receiving a STOP ORDER NOTICE referred to in Section 5.1.2 (g), may appeal to the Development Appeal Board pursuant to Section 4.7.

4. OFFENCES AND PENALTIES

- (1) Where the Council or person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax role as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.
- (2) A person who contravenes this By-law or obstructs or hinders any person in performance of these powers or duties under this By-law, is guilty of an offence and is liable to a fine of not more than five hundred dollars (\$500.00) in accordance with the Planning Act, Section 154.
- (3) In addition, under the Municipal Government Act, Section 110, Council may by By-law, impose a fine not exceeding two thousand five hundred dollars (\$2,500.00) for every day that the offence continues after conviction, exclusive of costs for contravention of this By-law, and upon failure to pay such a fine and costs, provide for imprisonment for a period not exceeding 6 months unless such a fine and costs are sooner paid.

5.2 AMENDING THE BY-LAW

1. WHO CAN APPLY FOR AN AMENDMENT

- (1) ANY PERSON can apply to have this By-law amended by applying to the MUNICIPAL PLANNING COMMISSION in writing, furnishing reasons in support of the application and requesting that the Commission submit the application to Council.
- (2) MUNICIPAL PLANNING COMMISSION MAY at any time on its own motion, PRESENT for the consideration of Council any PROPOSED AMENDMENT to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Municipal Planning Commission and the report and recommendation of the Development Officer.
- (3) COUNCIL MAY, at any time, INITIATE AN AMENDMENT to this By-law, but prior to first reading of any proposed amendment, the proposal shall be referred to the Municipal Planning Commission and to the Development Officer for their reports and recommendations.

2. PLANS AND INFORMATION REQUIRED

- (1) All applications for amendment to the Land Use By-law shall be made to the Municipal Planning Commission on the form of FORM D and shall be accompanied by the following:
 - (a) an application fee of one hundred dollars (\$100.00) for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant;
 - (b) a certificate of search of the land affected or other documents satisfactory to the Development Officer including the applicant's interest in the said land;
 - (c) all drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit, and complete;
 - (d) a written undertaking on FORM D that the applicant is liable for and to pay on demand all expense incurred by the Town in processing the proposed amendment, whether it is enacted or not, including but not limited to map printing or reproduction costs, surveys, and advertising costs.

3. AMENDMENT PROCESS

(1) Role of the Development Officer

Upon receipt of an application to amend the Land Use By-law, the Development Officer shall:

- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment;
- (b) prepare a detailed report for the Municipal Planning Commission on the proposed amendment; and
- (c) submit a copy of the report, maps, and all material relevant thereto to the Municipal Planning Commission.

(2) Role of the Municipal Planning Commission

The Municipal Planning Commission shall:

- (a) examine the proposed amendment for content; and
- (b) advise the applicant that:
 - (i) it is prepared to recommend the amendment to the Council without further investigations, or
 - (ii) it is not prepared to recommend the amendment, or
 - (iii) it is prepared to recommend an alternative amendment either at once or after due investigation;
- (c) not be bound to consider an application made to it unless it is accompanied by an application fee and an undertaking to pay the expenses required by Subsection 5.2.3 (4);
- (d) as soon as reasonably convenient, the Municipal Planning Commission shall submit the proposed amendment as originally applied for or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the recommendation of the Municipal Planning Commission and the report of the Development Officer and other relevant material;

(3) Procedure by Applicant

Upon receiving the preliminary advice of the Municipal Planning Commission, the applicant shall advise the Commission if:

- (a) he wishes the Commission to proceed with the amendment as submitted by him or an alternative amendment proposed by the Municipal Planning Commission, in which case he must prepay the advertising costs referred to in Subsections (2) and (5), prior to the amendment proceeding to Council, or
- (b) he wishes to withdraw his application for an amendment.

(4) Liability of Applicant

Unless the Council directs that the additional expense of a proposed amendment, whether it be enacted or not, be borne by the Town, the applicant shall, upon receipt of an account for same, pay to the Town those expenses for which he has undertaken to be liable.

(5) Role of Council

- (a) If a person applies to the Council in any manner for an amendment to this By-law, the Council shall require him to submit his application to the Commission in accordance with the provisions of this Section before it considers the amendment proposed by such person;
- (b) Council considers the application along with the Commission's and Development Officer's recommendations and other relevant information before making a decision to:
 - (i) implement the amendment as proposed;
 - (ii) modify the proposed amendment and implement it;
 - (iii) table the proposed amendment; or
 - (iv) reject the proposed amendment.

(6) Amendment by By-law

- (a) In accordance with the Municipal Government Act and the Planning Act, amendments to the Land Use By-law shall be implemented by By-law after THREE READINGS by Council.
- (b) PRIOR to the SECOND READING of the proposed By-law, Council shall provide WRITTEN NOTIFICATION, PUBLIC ADVERTISING, and conduct a PUBLIC HEARING in accordance with the Planning Act, Sections 139 to 142;
- (c) Exception – The Land Use By-law, however, may be amended without a notice and a public hearing if:
 - (i) the Minister provides an exemption; OR
 - (ii) the amendment does NOT MATERIALLY AFFECT THE BY-LAW IN PRINCIPLE OR SUBSTANCE.
- (d) all amendments to this by-law SHALL be in conformance with the GENERAL MUNICIPAL PLAN, By-Law 83-11A, as amended.

(7) Frequency of Application

Notwithstanding anything contained in this Section or in this Part, a proposed amendment which has been rejected by the Council within the previous TWELVE MONTHS shall not be reconsidered unless Council otherwise directs.

5.3 COMPLIANCE WITH LEGISLATION, OTHER BY-LAWS AND REGULATIONS

1. Compliance with the requirements of this By-law does not afford relief from compliance with the "Act", other statutes, by-laws and regulations affecting the development in question.
2. This By-law SHALL CONFORM WITH THE TOWN OF WESTLOCK GENERAL MUNICIPAL PLAN BY-LAW #83-11A, as amended.
3. Referenced legislation in this By-law includes:
 - (1) Fire Prevention Act, Revised Statutes of Alberta, Chapter F-10.1, and any amendment, thereto or any act substituted therefore;
 - (2) Gas Protection Act, Revised Statutes of Alberta, Chapter 6-2, and any amendment, thereto or any act substituted therefore;
 - (3) Municipal Government Act means the Municipal Government Act, Revised Statutes of Alberta 1980, Chapter M-26, and any amendments, thereto or any act substituted therefore;
 - (4) Planning Act, means the Planning Act, Revised Statutes of Alberta 1980, Chapter P-9, and any amendments, thereto or any act substituted therefore;
 - (5) Surveys Act, Revised Statutes of Alberta, Chapter S-29, and any amendments, thereto or any act substituted therefore;
 - (6) Uniform Building Standards Act, Revised Statutes of Alberta, Chapter U-4, and any amendments, thereto or any act substituted therefore.

5.4 REPEALING EXISTING CONTROLS

1. By-law 78-8A is hereby repealed.

5.5 DATE OF COMMENCEMENT

1. This By-law comes into force upon the date of being passed.

5.6 FORMS

1. The following forms shall be used in the administration of this By-law:
 - (a) FORM A – APPLICATION FOR DEVELOPMENT
 - (b) FORM B – NOTICE OF DECISION (DEVELOPMENT OFFICER/MUNICIPAL PLANNING COMMISSION)
 - (c) FORM C – DEVELOPMENT PERMIT
 - (d) FORM D – APPLICATION TO AMEND THE LAND USE BY-LAW
 - (e) FORM E – NOTICE OF DEVELOPMENT APPEAL HEARING
 - (f) FORM F – DEVELOPMENT APPEAL DECISION
 - (g) FORM G – NOTICE OF CONTRAVENTION
 - (h) FORM H – STOP ORDER

FORM A

Application No. _____

APPLICATION FOR DEVELOPMENT

I/We hereby make application for a development under the provisions of the Land Use By-law in accordance with the plans and supporting information submitted herewith and which forms part of this application.

Applicant: _____

Address: _____ Tel. No. _____

Registered Owner of Land: _____

Address: _____

Street and Property Address AND Legal Description on which the development is to be effected:

Lot (Parcel): _____ Block: _____ Registered Plan No.: _____

Existing use of land or building on the property: _____

Land Use District: _____

Proposed use of land or building on the property: _____

Lot type: Interior _____ Corner (2 streets) _____ Corner (street & lane) _____

Lot width: _____ Lot length: _____ Lot area: _____

Proposed Yards: Front _____ Rear _____ Side _____

Floor Area: _____

Percentage of Lot Occupied: _____ Building Height: _____

Accessory Use: _____

Percentage of Lot Occupied by Accessory Use: _____ Accessory Building Height: _____

Accessory Building Yards: Side _____ Rear _____ Principal Building _____

Estimated commencement date: _____ Estimated completion date: _____

Estimated value of Development: _____

Interest of Applicant if not owner of property: _____

Other supporting material attached: _____

Signature of Applicant: _____ Date: _____

I hereby grant consent for the Development Officer or authorized person of the Town of Westlock, pursuant to Section 43 of the Planning Act, to enter upon the subject land and/or building for the purpose of a site inspection or to take any action necessary to carry out an order to ensure compliance with this By-law.

Landowner's signature (or Agent having possession of land (and/or building) _____

Fee _____ Receipt No. _____

FORM B

Application No. _____

Development Permit No. _____

**NOTICE OF DECISION
(DEVELOPMENT OFFICER/MUNICIPAL PLANNING COMMISSION)**

This is to notify you with respect to a decision of the Development Officer/Municipal Planning Commission whereby a development permit has been issued authorizing/refusing the following development.

Street and Property Address: _____

Lot: _____ Block: _____ Registered Plan: _____

or Certificate of Title: _____

Reasons: _____

Date of Decision _____

The Land Use By-law provides that any person claiming to be affected by a decision of the Development Officer/Municipal Planning Commission may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.

Development Officer or
Chairman,
Municipal Planning Commission
Town of Westlock

FORM C

Application No. _____

Development Permit No. _____

DEVELOPMENT PERMIT

Development involving Application No. _____ located at Street and Property Address _____

Lot _____, Block _____, Plan (or C. of T.) _____ has been:

APPROVED _____ or APPROVED, subject to the following conditions: _____

for the following USE: _____

You are hereby authorized to proceed with the development specified provided that any stated conditions are complied with; that development is in accordance with any approved plans and applications; and, that all applicable permits are obtained. (stop) Should an appeal be made against this decision to the Development Appeal Board, the development permit does not come into effect until the appeal has been determined and the permit may be modified or nullified.

Date of Decision: _____ Date of Issue (newspaper notification) of

Development Permit: _____

Development Officer Signature: _____
Town of Westlock

NOTE:

1. A Development Permit is subject to the condition that it DOES NOT BECOME EFFECTIVE UNTIL 15 DAYS AFTER THE DATE OF NEWSPAPER NOTIFICATION.
2. The Land Use By-law provides that any person claiming to be affected by a decision of the Development Officer/Municipal Planning Commission may appeal to the Development Appeal Board by serving written NOTICE OF APPEAL to the Secretary of the Development Appeal Board within 14 DAYS after notice of the decision is given.
3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
4. Where required, an application for a building permit may be made after a development permit has been issued.

FORM D

Application No: _____

APPLICATION TO AMEND THE LAND USE BY LAW

I/We hereby make application to amend the Town of Westlock Land Use By-law.

Applicant: Name _____ Tel. No. _____

Address _____

Owner of Land: Name _____ Tel. No. _____

Land Description: Lot _____ Block _____ Registered Plan _____

Certificate of Title _____

Street and Property Address _____

AMENDMENT PROPOSED

FROM _____ TO _____

REASONS: in support of proposed amendment:

NOTE: The applicant may be required to pay on demand all expenses incurred by the Town in processing the proposed amendment whether it is enacted or not, including but not limited to map printing or reproduction costs, surveys and advertising costs.

DATE _____ SIGNED _____

FORM E

Application No: _____

Development Permit No. _____

NOTICE OF DEVELOPMENT APPEAL HEARING

This is to notify you that an appeal has been made to the Development Appeal Board against a decision on Application No. _____ proposing to develop Lot _____ Block _____ Registered Plan (C. of T.) and Street and Property Address _____ purposes of: _____

APPROVED
The decision APPROVED WITH CONDITIONS the development permit for the following
REFUSED
reasons: _____

Place of Hearing: _____

Time of Hearing: _____

Date of Hearing: _____

Any person affected by the decision of the Development Officer may appeal to the Development Appeal Board. Anyone wishing to be heard at the meeting must submit written briefs to the Secretary of the Development Appeal Board Town Office before _____. Copies of the Land Use By-law, the Development Permit Application, and Development Officer's Decision are available at the Town Office during office hours for public review.

Date

Secretary,
Development Appeal Board
Town of Westlock

FORM F

Application No. _____

Development Permit No. _____

Development Appeal Board _____

Decision No. _____

DEVELOPMENT APPEAL BOARD DECISION

RE: Development Proposed Location: Street and Property

Address _____, Lot _____, Block _____, and

Registered Plan (or C. of T.) _____

UPON HEARING evidence, submissions, and arguments presented by persons (see Appendix A) at a PUBLIC HEARING held in accordance with the Planning Act, Section 85, held in the Town of Westlock, in the Province of Alberta, on

_____, 19 ____; and

UPON CONSIDERING all the evidence written and submissions (listed in Appendix B) and oral presentations, and in accordance with the Planning Act and regulations, statutory plans and the Land Use By-law, this Board has decided that the APPEAL BE:

REFUSED

ALLOWED UNCONDITIONALLY

ALLOWED CONDITIONALLY SUBJECT TO:

For the following REASONS:

APPENDIX A REPRESENTATIONS

Names

Capacity

APPENDIX B SUBMISSIONS

List of Documents

Date _____, 19 ____

_____, Chairman

Development Appeal Board
Town of Westlock

FORM G

Development Permit No. _____

Contravention No. _____

NOTICE OF CONTRAVENTION

This is to notify you, _____, as registered owner/person in possession/or person responsible for the contravention, that on _____, 19 _____, the Development Officer inspected your land and/or building located at Street and Property Address _____, Lot _____, Block _____, Registered Plan (or C. of T.) _____, in the Town of Westlock and in his opinion the use of the above land and/or building is in CONTRAVENTION of the Town of Westlock LAND USE BY-LAW NO. 9-86, Section(s) _____ for the following reasons: _____

Failure to comply with the By-law by _____, 19 _____, will result in the Development Officer to referring the matter to the Town's solicitors to take such steps as are necessary to ensure compliance with the By-law. All costs incurred to ensure compliance will be borne by the owner/or person in possession of the land and/or building. The owner or person in possession may also be liable to a fine of up to \$2,500.00 per day or imprisonment.

Date

_____, Development Officer
Town of Westlock

FORM H

Development Application No: _____

Development Permit No: _____

Development Appeal Board
Decision No. _____

Stop Order No. _____

STOP ORDER

This is to NOTIFY you, _____, as registered owner/person in possession/person responsible for the contravention, that on _____, 19 ____, the Development Officer inspected your land and/or building at (Street and Property Address) _____, Lot _____, Block _____, Registered Plan _____ or Certificate of Title _____ in the Town of Westlock and in his opinion the use of the above land and/or building is in CONTRAVENTION of the Town of Westlock LAND USE BY-LAW NO. 9-86, Section(s) _____ for the following REASONS: _____

In accordance with the Planning Act, Section 82, you are hereby ORDERED to:

BY _____, 19 ____.

FAILURE TO COMPLY with this order may result in Council, or person appointed by Council, entering the land and/or building to take any action required to carry out the order, a fine of up to \$2,500.00 per day, or imprisonment. Costs and expenses incurred in carrying out the order shall be placed on the tax role as an additional tax against the property and collected as taxes on the land.

This order may be APPEALED to the Development Appeal Board by notifying the Secretary of Appeals, Town of Westlock Office, within **14 DAYS** of the day of this order.

Date _____

_____, Development Officer
Town of Westlock

PART SIX

DEFINITIONS AND METRIC CONVERSION

6.1 DEFINITIONS

For the purpose of this By-law certain terms or words herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense. The singular includes the plural. The word “person” includes a corporation as well as an individual. The term “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

ACCESSORY, when used to describe a use or building, means a use or building naturally and normally incidental, subordinate, and exclusively devoted to the principal use or building and located on the same lot or site.

ACT means “The Planning Act”.

BASEMENT means a storey, partly below the grade level.

BOARDING OR LODGING HOUSE means a building (other than a hotel or motel) containing not more than fifteen sleeping rooms where meals or lodging for four or more persons are provided for compensation pursuant to previous arrangements or agreement.

BUILDING means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattels and is constructed in accordance with the Alberta Building Code as amended from time to time.

BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, and to the mean height between eaves and ridge for all other roofs.

CARWASHING ESTABLISHMENT means a public garage or other establishment for washing or cleaning motor vehicles for gain.

CHILD CARE FACILITY means the use of a building or portion thereof for the provision of care maintenance, education, and supervision of four or more children under the age of 13 years, by persons other than ones related by blood or marriage, for periods not exceeding 24 consecutive hours and includes: daycare centres, nurseries, kindergartens, and after-school or baby-sitting programs.

CLINIC means an establishment in which medical, dental, or other professional healing treatment is given to human beings.

COLLECTOR STREET means a highway or public roadway the function of which is to collect and distribute traffic from major arterials to less important arterial streets, to serve community business centres, high schools, athletic fields, neighbourhood shopping centres, parks, golf courses, and other secondary traffic generators, and to serve traffic from neighbourhood to neighbourhood within the community.

COMMERCIAL SCHOOL means a school conducted for hire or gain other than a private academic, religious, or philanthropic school, and includes the studio of a dancing teacher, music teacher, an art school, golf school, school of calisthenics, business school, and any other such specialized school conducted for hire or gain.

COMMISSION means the Municipal Planning Commission established under By-law No. 71-13A.

COMMUNITY HALL means a building operated by the municipality or a non-profit society for the purposes of providing space and facilities for meetings, social, recreational, educational, or cultural functions and which is located on land owned by the municipality.

COUNCIL means the Council of the Town of Westlock.

COURT, INNER means an open space, unoccupied from the ground upwards or from an intermediate floor upwards, located on the same lot with the building which it serves and enclosed on all sides by the exterior walls of such building, or by such walls and the line or lines of an adjoining lot or lots.

COURT, OUTER means an open space, unoccupied from the ground upwards located on the same lot as the building which it serves, enclosed on three or more sides by the exterior walls of such building, or by such walls and the line of an adjoining lot or lots with at least one side or end extending to or opening upon a street or yard.

COVERAGE means, in the case of a residential building, or structure, the combined area of all buildings or structures on the lot, measured at the level of the lowest storey containing habitable rooms, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases, all porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections; such area shall include stairwells, and all other space within a building except inner or outer courts.

DEVELOPMENT means the carrying out of construction, excavation, or other operations in, on, over, or under land, or the making of any change in the use or in the intensity of use of any land, building, or premises and for the avoidance of doubt and without restricting the generality of the foregoing includes:

- (a) an excavation or stockpile and the creation of either of them,
- (b) a building or an addition to or replacement or repair of a building and the construction or placing in, on, over or under land of any of them,
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- (e) in a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel, and any alterations or additions which provide for an increase in the number of dwelling units within the building or on the parcel;

- (f) the display of advertisements on the exterior of any building or on any land;
- (g) the deposit of debris, waste material from building or mining operations or other refuse or unsightly material on any land, including land already being used for that purpose if the surficial area or height of any existing deposit is thereby extended;
- (h) the recommencement of the use to which land or buildings have been previously put if that use has been discontinued for a period of more than six months;
- (i) the use or more frequent use for storage purposes, or for the repair of motor vehicles or other types of machinery, of land that was hitherto either not used at all or not used so frequently for such purposes;
- (j) the continuation of the use of land or of a building for any purpose for which it is being used unlawfully at the time this By-law comes into effect;

DEVELOPMENT OFFICER means the officer appointed by Section 4.6 of this By-law.

DISCRETIONARY USES are those uses which are considered on their individual merits and circumstances by the Commission, and may be permitted on a specific site within a district provided that the use conforms to a specific site within a district to which the use applies and provided the Commission has given due consideration to adjoining land uses.

DISTRICT means a defined area or district of the Town as set out in this By-law and shown on the Land Use District Map.

DRIVE-IN BUSINESS shall mean an establishment with facilities for attracting and servicing prospective customers normally travelling in motor vehicles which are driven on to the site where such business is carried on, and where normally the customer either remains in the vehicle for service or parks his vehicle for a short period for the purpose of doing business at the premises, but shall not include Car Washing Establishments or Service Stations.

DRY CLEANING DISTRIBUTING STATION means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning, processing or repairing elsewhere, and for the distribution of any such articles or goods which have been subjected to any such processes.

DRY CLEANING ESTABLISHMENT means a building where cleaning, pressing, repairing, or reprocessing of articles or goods of fabric is carried on, but does not include a hand laundry, machine laundry, or a wholesale dye plant.

DRY CLEANING SHOP means a building where the business of dry cleaning and pressing, repairing, or reprocessing of articles or goods of fabrics is carried on at basement or ground level, by means of dry cleaning machines, or units and incidental equipment:

- (a) in which only non-flammable solvents are or can be used; and
- (b) which omit no odour or fumes, noise, or vibrations causing nuisance or inconvenience within or without the premises and where, in connection with the business, only neighbourhood and retail service is provided by the proprietor.

DWELLING GROUP means a group of two or more detached or semi-detached one-family or two-family dwellings, apartment houses, or terraced dwellings occupying the same site, and commonly owned and having a yard or court in common, but does not include a motel.

DWELLING UNIT means a building or portion thereof, designed or used exclusively as the living quarters (construed as including sleeping, cooking, and toilet facilities) for one family.

DWELLING, ONE-FAMILY means a detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as the permanent home or residence of one family.

DWELLING, TWO-FAMILY means a building divided into two dwelling units as herein defined, each of which is occupied or intended to be occupied as the permanent home or residence of one family.

DWELLING, ROW (TERRACED) means a building designed for or occupied as three or more dwelling units side by side, under one roof and each unit having a separate front and rear across.

DWELLING, WALK-UP APARTMENT means an apartment building no more than 3 stories high with a population density not exceeding 60 persons per acre.

DWELLING, HIGH DENSITY APARTMENT means an apartment building more than 3 stories high with a population density of not more than 140 persons per gross acre.

ERECT means to build, construct, reconstruct, place, and relocate and shall include:

- a) any preliminary physical operation such as excavating, filling, or draining;
- b) altering any existing building or structure by an addition, enlargement, extension, or reduction.

EXISTING means existing at the effective date of this By-law.

FLOOR AREA of a building means the total floor areas of every room and passageway contained in a building, but not including the floor areas of basements, attics, walls, sheds, open porches, or breezeways. Basement and attic floor areas shall be included only when they contain habitable rooms.

GARAGE, PARKING means a building other than a private garage, designed or used primarily for the storage of motor vehicles.

GARAGE, PRIVATE means an accessory building or a part of the principal building designed and used primarily for the storage of motor vehicles and includes a carport.

GARAGE, PUBLIC means a building or part of a building other than a private garage used for the storage, care, repair, servicing, or equipping of motor vehicles, including the sale of fuels, oils, and accessories, or where such vehicles are kept for remuneration, hire, sale, or display.

HOME OCCUPATION means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building and which does not change the character thereof, or have any exterior evidence of such secondary use other than a small name plate, not exceeding two square feet in area. In connection with a home occupation there shall not be involved the keeping of a stock in trade, nor the employment of other than the occupant and the occupant's family.

HOTEL means a building containing either sleeping or dwelling units, or a combination of both, occupied or equipped to be occupied as a temporary abode for tourists or transients, and also containing a general kitchen and dining or other public rooms.

LAND USE DISTRICT MAP means the map delineating the boundaries of the districts set out in this By-law (see Section 2.3).

LANDSCAPING means to change or modify the natural features of a site so as to make it more attractive and desirable by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials as used in modern landscape architecture.

LANE means a public roadway not exceeding 30 feet in width, which provides a secondary means of access to a lot (site).

LAUNDRY SHOP means a building in which the business of laundry is carried on at basement level or ground floor level by means of one or more washers, having a capacity not exceeding 65 lbs. each, and drying, ironing, finishing, and incidental equipment:

- (a) in which only water, soaps, and detergents are or can be used;
- (b) which emit no odour or fumes, noise, or vibration causing a nuisance within or without the premises; and
- (c) where in connection with the business, only neighbourhood retail service is provided by the proprietor and includes the business where only washing or ironing is done, a self-service laundry and laundry receiving depot.

LOADING SPACE means an open area used to provide free access for vehicles to a loading door, platform, or bay.

LOT means an area of land, the boundaries of which are shown on a plan registered in a Land Titles Office, or are described in the certificate of title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office. The words "site" and "parcel" shall have the same meaning as the word lot.

LOT, CORNER means a lot located at the intersection or junction of two or more streets.

LOT, INTERIOR means any lot other than a corner lot.

LOT, THROUGH means a lot other than a corner lot not with frontage on more than one street.

LOT LINES mean the legally defined limits of any lot.

LOT LENGTH means the horizontal distance between the front and rear lot lines vertically projected and measured along the median between the side lot lines.

LOT WIDTH means the horizontal measurement between the side lot lines measured at a point 20 feet perpendicularly distant from the front boundary of the lot or the mean horizontal measurement on irregular-shaped lots.

MAJOR ARTERIAL ROAD means a highway or public roadway the function of which is to expedite the movement of through traffic to major traffic generators and from community to community, and primarily to serve the adjacent land, to collect and distribute traffic from freeways and expressways to less important arterial roads or directly to traffic destinations.

MUNICIPALITY means the Town of Westlock.

MOBILE HOME means a transportable, factory-built, single-family dwelling, designed to be transported on its own wheels and chassis to the mobile home lot and may be supported on wood blocking, concrete piers or a permanent foundation and is designed to be connected to service utilities so as to be suitable for year-round, long-term occupancy.

- (a) Single-Wide – A mobile home unit designed specifically to be towed in a single load.
- (b) Double-Wide – A mobile home unit consisting of two or more sections separately towable, designed to be joined together into one integral unit.

MOBILE HOME PARK means a parcel of land under one ownership which has been placed, divided into mobile home stalls and improved for the placement of mobile homes for permanent residential use.

MOBILE HOME SUBDIVISION means an area subdivided by registered plan, containing lots for freehold or leasehold tenure and used for mobile homes.

MOTEL means a group of attached or detached buildings containing sleeping units with sanitary facilities and/or kitchens designed to be used temporarily by tourists or transients with parking spaces convenient to each unit and includes an auto court, a tourist court, and a motor lodge.

MOTOR HOTEL means a building containing either sleeping or dwelling units, or a combination of both to be used temporarily by tourists or transients; and also containing dining or other public rooms with parking spaces on site, convenient to units and public rooms.

NONCONFORMING BUILDING means a building that is lawfully constructed or lawfully under construction at the date of this Land Use By-law, or any amendment, and that does not or will not conform to the requirements of the Land Use By-law when it becomes effective.

NONCONFORMING USE means a lawful specific use made of land or a building or intended to be made a building lawfully under construction at the date of approval of this Land Use By-law, and that does not or will not conform to the requirements of the Land Use By-law when it becomes effective.

OFFENSIVE OR OBJECTIONABLE when used with reference to any use of any land, building, or structure, means a use which, from its nature, or from the manner of carrying on same, creates or is liable to create, by reason of noise, vibration, smoke, dust, or other particulate matter, odour, toxic or noxious matter, radiation hazards, fire or explosive hazards, heat, humidity or glare, or unsightly storage of goods, wares, merchandise, salvage, junk, waste, or other materials, a condition which, in the opinion of the Municipal Planning Commission or Council may be or become hazardous or injurious as regards health or safety or which adversely affects the amenities of the neighbourhood or interferes with or may interfere with normal enjoyment of any land, building, or structure.

PARCEL - see "lot".

PARKING AREA OR LOT means an open area of land other than a street or a building designed and used for the parking of a number of vehicles.

PARKING SPACE, OFF-STREET means an off-street area of 250 sq. ft. or more available for the parking of one motor vehicle exclusive of driveway, ramps, columns, and office or work areas.

PERMITTED USES are those uses which are allowed in a particular district, provided that the use conforms to the regulations of the particular district to which the use applies.

PRINCIPAL BUILDING means a building which:

- (a) occupies the major or central portion of a lot;
- (b) is the chief or main building on a lot; or
- (c) constitutes, by reason of its use, the primary purpose for which the lot is used.

PRINCIPAL USE means the main purpose for which a lot is used.

PRIVATE CLUB means an athletic, social, or recreational organization not operated for profit, and includes the premises of a fraternal organization.

PUBLIC OR QUASI-PUBLIC BUILDING includes a Church and any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment, or for a communal activity, but does not include a school, or a place of public entertainment for which an admission fee is customarily charged.

PUBLIC UTILITY means a system, works, plant, equipment, or service whether owned or operated by or for the Town, or by a corporation under agreement with or under a franchise from the Town or under a Federal or Provincial statute, which furnishes services and facilities available at approved rates to or for the use of all the inhabitants of the Town, including but not limited to:

- (a) communication by way of telephone or telegraph;
- (b) public transportation;
- (c) production, transmission, delivery or furnishing of water, gas, or electricity to the public at large;
- (d) collection and disposal of sewage, garbage, and other waste.

RETAIL STORE means a building where goods, wares, merchandise, substances, articles, or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles, or things, sufficient only to service such stores, but does not include any retail outlet otherwise classified or defined in this By-law.

SERVICE STATION means premises or the portion thereof, used or intended to be used for the servicing and repairing of motor vehicles and for the sale of fuel, oils, and accessories for motor vehicles.

SIGN includes a display board, screen, structure or material having characters, letters or illustrations applied thereto, or displayed thereon, in any manner, not inside a building and includes the posting or painting of an advertisement or notice on a building or structure.

SIGN, ANIMATED means a sign which has movement produced either mechanically or electrically, giving the effect of steady movement.

SIGN, FLASHING means a sign which by means of electrical devices gives the effect of intermittent movement, or changes to give two or more visual effects, or alternates with a lit and unlit effect.

SIGN, DIRECTIONAL means a sign which indicates the distance or direction, or both, to a place of business or other premises indicated on the sign.

SIGN, GENERAL ADVERTISING means a sign which refers to goods or services other than those produced, offered for sale or obtainable at the premises on which the sign is displayed.

SIGN, IDENTIFICATION means a sign which contains no advertising but is limited to the name, address, and number of a building, institution, or occupation of a person and to the activity carried on in the building, institution, or the occupation of the person.

SIGN, LOCAL ADVERTISING means a sign which refers only to goods or services produced, offered for sale or obtainable at the premises on which the sign is displayed.

STOREY - means that portion of a building which is situated between the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STREET means a public thoroughfare which affords the principal means of access to abutting property.

STRUCTURE means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards, and poster panels.

SWIMMING POOL, PRIVATE means a below or above ground structure, basin, or tank containing an artificially created pool of water that is greater than 2 ft. in depth at any point and is used for swimming, recreation, bathing, diving, wading, therapeutic, or other purposes and includes all buildings, equipment, and facilities used in connection with it.

TOURIST TRAILER PARK OR CAMPSITE means a site which provides for the temporary location of tents and trailers used by travelers and tourists for overnight accommodation.

TRAILER, VACATION means any portable accommodation providing temporary living quarters in which all facilities are not necessarily self-contained.

UTILITY LOT means a piece of land designated to carry utilities above or below the ground, and which is registered in the name of the municipality.

WALKWAY means a public roadway designed for use by pedestrian traffic.

YARD means a part of a lot upon or over which no building or structure other than a boundary fence is erected unless otherwise hereinafter permitted.

YARD, FRONT means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building.

YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building.

All other words and expressions shall have the meanings respectively assigned to them in the Planning Act, 1980, Chapter P-9, as amended.

6.2 METRIC CONVERSION CHARTS

Soft Conversion

Existing Measurements in By-law	Metric Equivalent
6in.	15.24 cm
30in.	76.20 cm
2ft.	.6096 m
3	.9144
5	1.5240
6	1.8288
7	2.1336
8	2.4384
10	3.0480
12	3.6576
15	4.5720
16	4.8768
18	5.4864
20	6.0960
25	7.6200
30	9.1440
40	12.192
50	15.240
60	16.288
75	22.860
80	24.384
100	30.480
125	38.100
134	40.843
150	45.720
200	60.960
209	63.7032
400	121.920
500	152.40
1000	304.80
1acre	.4 ha
3	1.2
5	2.0
10	4.0
20	8.0
80	32.5
160	65.0

Hard Conversion

Suggested Metric Measurement	Imperial Equivalent
.15 m	.49 ft.
.76 m	2.49 ft.
.6 m	1.9685 ft.
.9	2.9685
1.5	4.921
1.8	5.889
2.1	6.889
2.4	7.874
3.0	9.8425
3.7	12.139
4.6	15.092
4.9	16.076
5.5	18.092
6.1	20.013
7.6	24.934
9.1	29.856
12.2	40.026
15.2	49.869
18.3	60.869
22.9	75.130
24.4	80.052
30.5	100.65
38.1	124.99
40.8	133.85
45.7	149.93
61.0	200.13
63.7	208.89
121.9	399.93
152.4	500.00
304.8	1000.00

Soft Conversion

Existing Measurements in By-law	Metric Equivalent
2,000gal.	9092.2 l
3,000	13,638.3
6,000	27,277.0
12,000	54,553.2
20,000	90,922.0
50,000	227,300.0

Hard Conversion

Suggested Metric Measurement	Imperial Equivalent
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1/2mi.	0.80467 km	.8 km	.49710 mi.
10	16.093	16.0	9.9419
1sq. ft.	0.0929 sq. m.	.1 sq. m.	
6	0.5574	.6	
20	1.8581	1.9	
285	26.477	26.5	
600	55.742	55.7	
750	69.677	69.7	
900	83.613	83.6	
1,000	92.903	92.9	
1,500	139.35	139.4	
1,600	148.64	148.6	
6,000	557.42	557.4	
10,000	929.03	929.0	

COMMON EQUIVALENTS AND CONVERSIONS

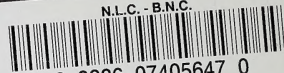
Approximate Common Equivalents

Accurate Conversions

1 in. = 25 mm
 1 ft. = 0.30 m
 1 yard = 0.91 m
 1 mile = 1.6 km
 1 sq. in. = 6.5 cm²
 1 sq. ft. = 0.90 m²
 1 sq. yd. = 0.84 m²
 1 acre = 0.40 ha
 1 gallon = 4.5 litres

in. \times 25.4 = mm
 ft. \times 0.3048 = m
 yd. \times 0.9144 = m
 miles \times 1.609 344 = km
 sq. in. \times 6.4516 = cm²
 sq. ft. \times 0.092 903 04 = m²
 sq. yd. \times 0.836 127 4 = m²
 acres \times 0.404 685 6 = ha
 gallon \times 4.546 09 = litre

N.L.C. - B.N.C.



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